

Michigan Register

Issue No. 14– 2003 (Published August 15, 2003)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

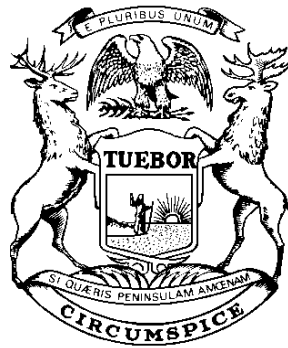
East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

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Issue No. 14 — 2003

(This issue, published August 15, 2003, contains
documents filed from July 15, 2003 to August 1, 2003)

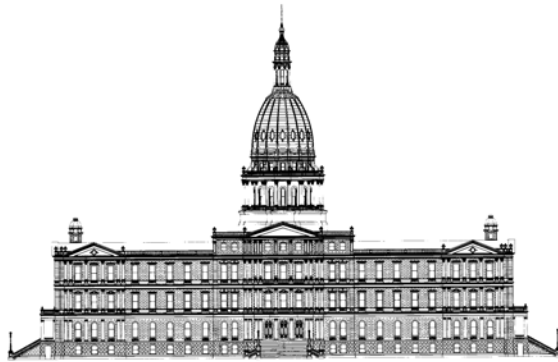
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Brian D. Devlin, Director, Office of Regulatory Reform; **Deidre O'Berry**, Administrative Assistant for Operations; **James D. Lance**, Administrative Assistant for Publications.

Jennifer M. Granholm, Governor



John Cherry, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, 1st Floor Ottawa Building, 611 West Ottawa, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Regulatory Reform, 1st Floor Ottawa Building, 611 West Ottawa, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 241-1679.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.michigan.gov/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2003 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2003	February 1, 2003
2	February 1, 2003	February 15, 2003
3	February 15, 2003	March 1, 2003
4	March 1, 2003	March 15, 2003
5	March 15, 2003	April 1, 2003
6	April 1, 2003	April 15, 2003
7	April 15, 2003	May 1, 2003
8	May 1, 2003	May 15, 2003
9	May 15, 2003	June 1, 2003
10	June 1, 2003	June 15, 2003
11	June 15, 2003	July 1, 2003
12	July 1, 2003	July 15, 2003
13	July 15, 2003	August 1, 2003
14	August 1, 2003	August 15, 2003
15	August 15, 2003	September 1, 2003
16	September 1, 2003	September 15, 2003
17	September 15, 2003	October 1, 2003
18	October 1, 2003	October 15, 2003
19	October 15, 2003	November 1, 2003
20	November 1, 2003	November 15, 2003
21	November 15, 2003	December 1, 2003
22	December 1, 2003	December 15, 2003
23	December 15, 2003	January 1, 2004
24	January 1, 2004	January 15, 2004

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FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 2001-050

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

MANUFACTURED HOUSING

Filed with the Secretary of State on July 22, 2003.

These rules take effect August 1, 2003

(By authority conferred on the director of the department of consumer and industry services by sections 4, 5, 9, 22 to 24, and 38 of 1987 PA 96, MCL 125.2304, 125.2305, 125.2309, 125.2321 to 125.2324, 125.2327, 125.2338, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 125.1101, R 125.1120, R 125.1125, R 125.1130, R 125.1185, R 125.1192, R 125.1202b, R 125.1204, R 125.1209, R 125.1211a, R 125.1212, R 125.1213a, R 125.1214c, R 125.1214d, R 125.1214e, R 125.1214f, R 125.1214g, R 125.1214h, R 125.1214i, R 125.1214k, R 125.1214l, R 125.1214n, R 125.1302, R 125.1401, R 125.1402, R 125.1403, R 125.1404, R 125.1405, R 125.1407, R 125.1408, R 125.1409, R 125.1410, R 125.1411, R 125.1413, R 125.1415, R 125.1417, R 125.1419, R 125.1503, R 125.1504, R 125.1505, R 125.1507, R 125.1508, R 125.1601, R 125.1602, R 125.1602a, R 125.1603, R 125.1604a, R 125.1605, R 125.1607, R 125.1701, R 125.1702, R 125.1702a, R 125.1704, R 125.1705, R 125.1708, R 125.1901, R 125.1902a, R 125.1904a, R 125.1905, R 125.1908, R 125.1912, R 125.1918, R 125.1920, R 125.1922, R 125.1925, R 125.1926, R 125.1928, R 125.1929, R 125.1934, R 125.1935, R 125.1936, R 125.1937, R 125.1940, R 125.1940a, R 125.1941, R 125.1944, R 125.1947, R 125.1947a, R 125.1948, R 125.1950, R 125.2001, R 125.2003, R 125.2005, R 125.2005a, R 125.2006, R 125.2006a, R 125.2006b, R 125.2007 and R 125.2009 of the Michigan Administrative Code are amended, R 125.1106, 125.1192a, 125.1202c, R 125.1501a, R 125.1503a and R 125.2001a are added to the Code, and R 125.1201, R 125.1202a, R 125.1203, R 125.1210, R 125.1211, R 125.1214j, R 125.1214m, R 125.1310, R 125.1320, R 125.1416, R 125.1604b, R 125.1606, R 125.1608 and R 125.1913 of the Code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 125.1101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Accessory" means anything which is joined to a home, which renders it more complete, which accompanies it, which is connected to it, or which performs a function incident to the safety or convenience, or both, of the occupant, such as an attached or detached carport or garage, steps, or decks. An accessory shall be constructed pursuant to the standards set forth in the provisions of R 408.30101 et seq. of the Michigan Administrative Code.

(b) "Act" means 1987 PA 96, MCL 125.2301 et seq. and known as the mobile home commission act.

(c) "Advertising" means the publication of, or causing to be published, by any means of communication, all material that is prepared for public distribution and consumption, including any sign used by a

licensee. A licensee shall use the name under which it's doing business in all advertisements. The term does not include applications for licensing or stockholder communications, such as any of the following:

- (i) Annual reports.
- (ii) Interim financial reports.
- (iii) Proxy materials.
- (iv) Registration statements.
- (v) Securities.
- (vi) Business or financial prospectuses.
- (d) "Certificate of manufactured home ownership" means a document which is issued by the department or its authorized representative and which establishes lawful transfer and ownership of a home.
- (e) "Closing" means the procedure in which final documents are executed.
- (f) "Commission" means the manufactured housing commission.
- (g) "Common sidewalk" means a sidewalk in a community that is intended for the common use of all residents in the community.
- (h) "Community" means both a "mobile home park" as defined in section 2(i) of the act and a "seasonal mobile home park" as defined in section 2(m) of the act.
- (i) "Consumer" means a retail purchaser.
- (j) "Consumer deposit" means all payments of cash or by personal check, money order, certified or cashier's check, credit card or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement.
- (k) "Department" means the Michigan department of consumer and industry services.
- (l) "Director" means the director of the Michigan department of consumer and industry services.
- (m) "Final documents" include termination statements, or releases of lien, purchase agreements, installment loan contracts, manufacturer's invoices, closing statements, shipping records, delivery receipts, and escrow disbursement documents.
- (n) "Home" has the same meaning as "manufactured home," which has the same meaning as "mobile home" as defined in section 2(g) of the act. A new home is a home for which a certificate of manufactured home ownership should have been issued under section 30 of the act.
- (o) "Homeowner" means the person or persons listed on the certificate of manufactured home ownership and on the security agreement, if one exists, for the home.
- (p) "Home site" means the entire area that is designated to be used for a specific home.
- (q) "Individual sidewalk" means a private sidewalk which extends from the common sidewalk, driveway, or internal road to the home site and which is intended for the use of the home site resident.
- (r) "Installer and servicer" has the same meaning as "installer and repairer" as defined in section 2(e) of the act.
- (s) "Internal road" means a road which is contained within the boundaries of a community and which is under the care, custody, and control of the community.
- (t) "Location" means a staffed sales office that lists or sells, or lists and sells, new or pre-owned homes.
- (u) "Manufactured housing commission" has the same meaning as "commission" as defined in section 2(c) of the act.
- (v) "Operator" means an individual 18 years of age or older who is an officer of a corporation, a manager or member, if member managed, of a limited liability company, a general partner, a copartner, or a sole proprietor.
- (w) "Optional improvement" means an amenity in new community construction or existing licensed community expansion that is not required under the community construction rules contained in these rules.

- (x) “Payments” does not include payments collected by a retailer on behalf of either a lender, in order for financing to be approved, or a state or local governmental agency, in order to apply for permits, and forwarded by the retailer to the lender or governmental agency.
- (y) “Permanent foundation” means a base upon which a home is placed that is not subject to excessive movement caused by changes in weather or home weight distribution.
- (z) “Purchase agreement,” for the purpose of records maintained under these rules, means an express written agreement in which a person agrees to buy, and another person agrees to sell, a home and includes specific home identification information, which shall include all of the following information:
 - (i) Year of manufacture or year on previous certificate of manufactured home ownership.
 - (ii) Serial number if available.
 - (iii) Name of manufacturer.
 - (iv) Model name or number.
 - (v) The agreed to price of the home.
 - (vi) Each buyer-selected option and accessory.
 - (vii) Other costs to the buyer, such as taxes and certificate of manufactured home ownership fees.
- (aa) “Purchaser” means a retail purchaser.
- (bb) “Retailer” has the same meaning as “mobile home dealer” as defined in section 2(h) of the act. A community that rents or leases homes within the community is not required to be licensed as a retailer, but shall comply with the retailer business practices rules. A lender that only sells homes it has repossessed is not required to be licensed as a retailer.
- (cc) “Seasonal community” has the same meaning as “seasonal mobile home park” as defined in section 2(m) of the act.
- (dd) “Successor” means a person who obtains all of the assets and liabilities of a former owner.
- (ee) “Terminate” means ceasing activities authorized under the terms and powers of a license specified in the act.
- (ff) “Year of manufacture” means the calendar year in which a home is manufactured.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 125.1106 Commission; conflict of interest.

Rule 106. A commissioner or commission committee member shall not participate in a decision or discussion leading to a decision relating to a business entity in which the commissioner or commission committee member has a financial or personal interest. However, a commissioner or commission committee member may be present in the meeting room during the discussion and decision.

R 125.1120 Proposed higher standard; filing; approval and disapproval; adoption by ordinance.

Rule 120. (1) Under section 7(1) of the act, local governments proposing a higher standard than specified in these rules shall, after public hearing, file the proposed standard with the department for the commission’s review and approval.

(2) The filing shall be in letter form and shall contain, but not be limited to, all of the following information:

- (a) The current specific standard for which a higher standard is being proposed.
- (b) The proposed higher standard.
- (c) A statement or statements setting forth the reasons for a standard that is higher than the existing standard.
- (d) A statement or statements that the proposed higher standard is not designed to generally exclude homes or persons who engage in any aspect pertaining to the business of homes.

- (e) A statement or statements comparing the proposed higher standard with the standard applicable to other types of housing. The standard applicable to other types of housing shall be submitted with the statement or statements.
- (f) Any other information and data that provides justification for the proposed higher standard.
- (3) The commission shall approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission and shall notify the local government, in writing, of its decision. If the commission denies the request, then the local government is entitled to a hearing before the commission or its designated representative under sections 71 to 87 of 1969 PA 306, MCL 24.271 et seq.
- (4) If the commission does not approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission at the department, then the standard shall be considered approved unless the local government has granted the commission additional time to consider the proposal.
- (5) After receipt of approval, or if the 60 days or extended time limit has lapsed, the local government may adopt the standard by ordinance.

R 125.1125 Proposed higher standard; intent to deny; order.

Rule 125. (1) The commission may deny a proposed higher standard by local government under the provisions of section 7(1) of the act. The department shall notify the local government by certified mail or personal delivery of the preliminary order of intent to deny. The preliminary order of intent to deny constitutes notification within the 60-day time limit, and extension if any, under the act.

(2) The preliminary order of intent to deny shall automatically be final 15 days after the date of receipt of the order by a local government, unless the local government requests, in writing, a hearing before the commission or its designated representative under the provisions of section 71 of 1969 PA 306, MCL 24.271 et seq.

R 125.1130 Aggrieved persons; hearing.

Rule 130. A person who is aggrieved by a decision of a local government shall be given an opportunity for a hearing under section 4(1)(c) of the act, provided that a written request is received by the department not more than 60 days from the date a decision is rendered by the local government.

R 125.1185 Home Construction Standards.

Rule 185. (1) All new homes sold within Michigan shall be in compliance with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 et seq. and parts 3280 and 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 et seq. The standards are adopted by reference in these rules. Copies of the adopted standards may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20204, at no cost. Copies may also be obtained from, or are available for inspection at, the Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at no cost.

(2) All new or pre-owned United States department of housing and urban development-approved homes brought into or sold within the state of Michigan shall be in compliance with the requirements for the appropriate roof load. All homes sited on July 16, 1998, may be sold on the home site.

(3) The dividing line between the south roof load zone (20 pounds per square foot) and the middle roof load zone (30 pounds per square foot) shall be the centerline of highway M-55 west from Tawas City to the intersection of highway M-115 and then northwest along the centerline of M-115 to Frankfort. The beginning and end of the dividing line shall be at waters' edge.

R 125.1192 Posting of complaint notice.

Rule 192. A licensee shall post, in a conspicuous place, the following statement for resolving complaints:

“Under the Mobile Home Commission Act you have the right to file a complaint that pertains to violations of that act or rules published under the act. Before a complaint can be filed under the act or rules, you must notify the manufactured home manufacturer, community, retailer, or installer and servicer in writing that a problem exists. If a reasonable response is not received within 10 business days of receipt of your complaint, you may file a complaint with the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30222, Lansing, Michigan 48909. Please note that only complaints about violations of the mobile home commission act or rules can be accepted by the Department. Examples of complaints may regard any of the following:

1. Purchase of manufactured homes, goods, or services and applicable warranties.
2. Lease or rental agreements.
3. Manufactured home communities.
4. Metering of utilities.
5. Manufactured home installation and service.

Complaints pertaining to manufactured home community rent costs do not fall under the authority of the act.”

R 125.1192a Complaint Process

Rule 192a. (1) The complainant shall send an alleged complaint to the respondent in writing of the alleged violation, giving the respondent 10 business days to respond.

(2) A person may file a complaint with the department, on a form prescribed by the department, pertaining to a violation of the act and rules.

(3) The department shall send the complaint to the respondent if the department determines there is a potential violation of the act or rules.

(4) The respondent shall respond to the complaint in writing to the department within 10 business days after receipt from the department or attempted delivery of the complaint.

(5) If the respondent does not respond to the complaint in writing within 10 business days after receipt, the department shall send the complaint to the alleged respondent a second time.

(6) The respondent shall respond to the complaint in writing to the department within 5 business days after receipt from the department under subrule (5) of this rule.

(7) If the respondent does not respond to the complaint under subrule (6) of this rule, then the department shall send an order to answer via certified mail to the respondent directing a response.

(8) Under subrule (7) of this rule, the respondent shall respond to the order to answer within 10 business days after receipt from the department or attempted delivery of the complaint.

(9) If the respondent does not respond to the order to answer under subrule (8) of this rule, then the department shall initiate administrative action against the respondent.

(10) If the respondent responds to the complaint or order to answer, the department shall send the response to the complainant.

(11) The complainant shall respond to the response in writing to the department within 10 business days after receipt.

(12) If the complainant does not respond to the response within 10 business days after its receipt, or notifies the department in writing that the response is satisfactory, then the department shall close the complaint file.

(13) If the complainant notifies the department in writing that the response is not satisfactory, then the department shall determine whether the respondent has violated the act or these rules.

(14) If the department determines that the respondent has not violated the act or rules, then the department shall notify the complainant and the respondent in writing and shall close the complaint file.

(15) If the department determines that the respondent has violated the act or rules, then the department shall notify the complainant and the respondent in writing of the required remedial action and the deadline by which the remedial action shall be completed.

(16) When the remedial action is complete, the respondent shall notify the department in writing and provide documentation that the remedial action is complete.

(17) If the department is satisfied that the remedial action is complete, then the department shall notify the respondent and complainant of this determination and then shall close the file.

PART 2. LICENSING

R 125.1201 Rescinded.

R 125.1202a Rescinded.

R 125.1202b Disclosure.

Rule 202b. Under section 38 of the act, if filing an application under the act or these rules, all general partners or copartners in a partnership; officers of a corporation; managers or members, if member managed of a limited liability company; or sole proprietors shall provide all of the following information:

(a) A conviction or administrative or civil judgment rendered against them within 10 years before the date of the application in connection with any aspect of the business of homes, which includes, but is not limited to, sales, brokering, installation, servicing, financing, and insuring homes or any aspect of community ownership, management, operation, development, or construction.

(b) A conviction or administrative or civil judgment rendered against them within 10 years before the date of application in connection with a violation of a statute regulating the offering of securities or franchises or regulating builders, real estate brokers, or real estate agents or a violation of 1972 PA 286, MCL 565.801 et seq.

(c) Information necessary to conduct a criminal record check on a form provided by the department.

R 125.1202c Operator.

Rule 202c. On the application for licensure, a person shall identify an operator, who shall sign the application and be directly responsible for the operation of the licensee.

R 125.1203 Rescinded.

R 125.1204 Applications; changes.

Rule 204. An applicant shall file a change to a licensing application with the department within 30 days after the change is made.

R 125.1209 License issuance licensee's true and assumed names required to appear on license; duplicate license.

Rule 209. A license may be issued to a person who meets the requirements of the act and these rules. The licensee's true name and assumed name shall appear on the license.

R 125.1210 Rescinded.

R 125.1211 Rescinded.

R 125.1211a Use of similar names on license prohibited; exception.

Rule 211a. A new licensee may not conduct business under a name which is so similar to the name under which an existing licensee is conducting business that it would be confusing to the public. This rule does not apply to an existing licensee that receives a new license of the same type or adds another location to its license.

R 125.1212 License; request for renewal; fee.

Rule 212. An application for license renewal shall be on a form provided by the department and shall be accompanied by the fee prescribed by section 21 of the act.

R 125.1213a License; failure to renew; expiration.

Rule 213a (1) If a licensee fails to file a license renewal application with the department before October 1, then the license held shall expire in compliance with sections 16 and 21 of the act.

(2) A license that is issued under the act shall expire annually on October 1.

R 125.1214c Return of suspended or revoked license.

Rule 214c. The holder of a license or licenses issued under the act shall return the license or licenses to the department within 5 days of notification of suspension or revocation. Return shall be made either personally, for which receipt shall be obtained, or by certified mail.

R 125.1214d Local government; licensing.

Rule 214d. A local government shall not require a person licensed under the act to obtain a local license or to register its license unless the requirement is established by ordinance and the ordinance is approved by the commission under the provisions of section 7 of the act.

R 125.1214e Original license required to engage in retail sale of homes.

Rule 214e. An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be a retailer.

R 125.1214f Surety bonds; cancellation.

Rule 214f. (1) A surety bond of \$10,000.00 or a deposit of \$10,000.00 in cash or securities, made payable to the "State of Michigan," on a form prescribed by the department, is required for each location.

(2) If a surety bond is not in effect, then the retailer shall stop all sales activity.

R 125.1214g Retailer's license; license amendments; application for amendments.

Rule 214g. (1) An applicant shall obtain a license for each location from which the applicant proposes to operate by filing the completed application form prescribed by the department.

(2) Separate applications shall be filed for each sales location.

R 125.1214h Temporary retailer location.

Rule 214h. (1) A retailer shall notify the department in writing of a temporary sales location such as a shopping center, public show, or other similar limited-term general public event for home exhibition and sales.

(2) The exhibition and sales shall not exceed 20 calendar days at any one time and shall not exceed a total of 60 calendar days within a 12-month period.

(3) The notice shall include the name of the event, address, and inclusive dates for the exhibition and sales.

R 125.1214i Installer and servicer; licensing required.

Rule 214i. (1) An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be an installer and servicer.

(2) A person who, for compensation installs or disassembles the installation of homes, including their nonpermanently affixed steps, skirting, and anchoring systems, or who services homes, for which service another Michigan license is not required, shall be licensed as an installer and servicer.

(3) Before applying for an original or renewal installer and servicer license, the operator shall complete a department-approved installation instruction program within the current licensing year.

R 125.1214j Rescinded.

R 125.1214k Community license application.

Rule 214k. (1) If a licensing application is for a new community or an expansion to an existing community, then the applicant shall submit a completed application to the department on a form prescribed by the department.

(2) If a licensing application is for a community that is or was licensed to another person, then the applicant shall submit a completed application to the department on a form prescribed by the department not more than 30 days after the date the community is conveyed by deed or land contract.

(3) After conveyance, the applicant is responsible for operation of the community.

R 125.1214l License; issuance upon receipt of department of environmental quality certification of compliance; conditional license; “conditional license” defined.

Rule 214l. (1) Before licensing, a community shall obtain certification from the department of environmental quality that the community is licensable.

(2) If the department of environmental quality issues a conditional certification of compliance to the department, then the department shall issue a conditional license. All conditions in the conditional certification of compliance shall be filed with the department. Even though the department of environmental quality has issued an unconditional certificate, the department may issue a conditional license if other sections of the act and these rules are not met by the licensee or applicant. As used in this subrule, “conditional license” means a license which is limited by time or terms, or both, and which may be extended by the department within the license year without payment of additional fees.

R 125.1214m Rescinded.

R 125.1214n New community and additional home sites license; application; issuance; conditions.

Rule 214n. (1) Except as provided in subrule (2) of this rule, before the department issues an initial license for a new community or adds additional home sites to the community’s existing license, all of the following shall be certified to be complete under the provisions of section 14 of the act:

(a) Internal roads servicing the completed home sites. The owner may construct the final lift of the road in the next construction season if a bond covering the cost of constructing the final lift is delivered to the department before licensure. The bond shall be made payable to the “State of Michigan”.

(b) Home site individual sidewalk.

(c) Common sidewalks, if provided, servicing the completed home sites.

(d) Parking servicing the home site.

- (e) Patios, if provided.
- (f) Permanent foundations.
- (g) Internal road lighting servicing the completed home sites.
- (h) At a minimum, the stabilization of the soil on the completed home sites to prevent, as much as possible, erosion and soil runoff.
- (2) Upon approval by the department, all of the following may be constructed after licensing of a home site for the purpose of customizing the home site to a specific home:
 - (a) The home site individual sidewalk.
 - (b) Parking on the home site.
 - (c) Patio, if provided.
 - (d) Light fixture, if on the home site.
 - (e) Permanent foundation.
- (3) The applicant shall file all of the following documents with the license application for a new community or additional home sites:
 - (a) An affidavit signed by the community owner or operator and an engineer or architect stating that the construction was completed according to the approved plans and specifications under the provisions of section 14 of the act. If the community owner or operator elects to complete the home site under the provisions of subrule (2) of this rule, then the affidavit shall specifically state that the home site construction shall be completed before the home is occupied and shall be completed according to the approved plans and specifications. The affidavit shall cite the specific home sites to be licensed by home site number.
 - (b) Certification of the community sewer system by home site number under the provisions of R 325.3391.
 - (c) Certification of the community-owned electrical system by home site number under the provisions of R 325.3391.
- (4) Before the department may issue a license, the department shall receive certification of the home sites by the Michigan department of environmental quality under the provisions of section 16(3) of the act.
- (5) It is a violation of this rule and section 16 of the act if any home that is placed on a home site is occupied by residents before the home site is licensed. In a licensed community, each home site that has a home occupied by residents shall be licensed whether or not it is being offered to the public.

PART 3. FEES

R 125.1302 Certificate of manufactured home ownership; application; fees.

Rule 302. (1) An application for a certificate of manufactured home ownership and the appropriate fee shall be filed on a form prescribed by the department with the department or its authorized representative within 30 days after the closing of the sale transaction. In addition, a late fee of \$15.00 shall be charged if the application is filed after the 30-day limit. The payment of a late fee does not preclude administrative action being taken against the purchaser or the purchaser's authorized representative.

R 125.1303 Certificate of title; cancellation; fees.

Rule 303 An affidavit required under section 30i of the act, executed for the purpose of canceling a certificate of title shall be filed with the department with a fee of \$45.00.

R 125.1310 Rescinded.

R 125.1320 Rescinded.

PART 4. RETAILER BUSINESS PRACTICES

R 125.1401 Advertising; prohibited activities.

Rule 401. A retailer, in connection with the sale of homes, equipment, or accessories, shall not, directly or indirectly, engage in any of the following activities:

- (a) Advertise a home for sale if the name of the retailer does not appear in the advertisement. A home committed by a home owner to a retailer for sale may be advertised if the offer visibly states that the home is “offered on consignment.”
- (b) Advertise a home and falsely offer any year of manufacture, make, type, model, serial number, fixed location, price, equipment, or terms or make a claim or condition to the sale of a home that is not truthful.
- (c) Advertise the phrase “close out,” “final clearance,” or “going out of business” or similar phrases in connection with home sales unless the phrase is true. A retailer who is going out of business shall comply with the provisions of 1961 PA 39, MCL 442.211 et seq. which includes regulation of the sales activities of businesses that are going out of business.
- (d) Advertise the term “authorized retailer” if the retailer is not a manufacturer’s authorized retailer or advertise as a franchised retailer if the retailer is not a registered franchised retailer under 1974 PA 269, MCL 445.1501 et seq.
- (e) Advertise a home by making inaccurate, misleading, or false comparisons with competitors’ services, prices, products, quality, or business methods.
- (f) Use a picture or photograph of a home in advertising if the picture or photograph does not represent a home of the same year of manufacture, make, and model and does not contain all the standard equipment of the model that is actually being offered for sale at the price quoted in the advertisement.
- (g) Advertise a home for sale in a manner that conveys or creates an erroneous impression as to which home is being offered at the advertised price.
- (h) Advertise the statement “write your own deal” or “name your own price” or similar statements, unless the statements are true and a buyer can, in fact, negotiate his or her own price.
- (i) Advertise the phrase “at cost,” “below cost,” “below wholesale,” “below invoice,” “above cost,” “above wholesale,” or “above invoice” or similar phrases, unless the phrases are true. As used in this subsection, “cost” means the actual price paid by a retailer to a manufacturer for a specific home as that price appears on the retailer invoice received from the manufacturer.
- (j) Advertise a specified trade-in amount or range of amounts for a pre-owned home without offering the advertised trade-in amount or range of amounts regardless of the condition of the pre-owned home when presented to the retailer for trade-in by a prospective customer, unless the statement “subject to condition appraisal” is contained in the advertisement.
- (k) Advertise that “no retailer has lower prices,” “the retailer is never undersold,” or statements of similar meaning, unless the statements are true.
- (l) Advertise in a manner that is false or misleading as to what a new home guarantee, warranty, or protection includes.
- (m) Advertise the phrase “manufacturer’s warranty,” unless referring to a new home covered by a bona fide written manufacturer’s warranty.
- (n) Advertise equipment, accessories, or other merchandise as “free” if the cost, or any part of the cost, is included in the quoted price of the home.
- (o) Advertise the phrase “no credit rejected” or “we finance everyone” or similar phrases, unless the phrases are true.
- (p) Advertise the offering of a rebate or referral bonus unless true.

- (q) Advertise a home as new, unless it has never been occupied. A home which is not of a current year of manufacture, but which has never been occupied, may be advertised as new if the year of manufacture is stated in the advertisement.
- (r) Advertise, or infer by advertising, that a home is “repossessed,” unless it is true.
- (s) Advertise in any manner which infers that a purchaser will be receiving benefits of an existing loan on a home if the benefits do not exist.
- (t) Advertise pre-owned homes as carrying an unused portion of the original manufacturer’s warranty, unless this is true.
- (u) Advertise the terms of financing a home, unless the advertisement is in compliance with all of the requirements of the federal truth in lending act, 15 U.S.C. §601 et seq., and the accompanying regulation Z, 12 C.F.R. part 226 et seq.
- (v) Advertise under any other name than that which appears on the retailer license.
- (w) Advertise for the buying of a home without the telephone number and the name of the retailer.

R 125.1402 Accounts and records; record of homes bought, sold, or exchanged; content; application for certificate of manufactured home ownership; purchase agreement; retention of additional records; consumer deposit records; accounts and records inspection; bond, cash, or security deposit records.

Rule 402. (1) In addition to accounts and records that are required by local ordinances, by other laws, or as prescribed elsewhere in these rules, a retailer shall maintain a record of all homes bought, sold, or exchanged for 4 years. The record shall include all of the following entries:

- (a) The date each home is taken into inventory.
 - (b) The name and address of the person from whom the home was obtained.
 - (c) The purchase or stock number of the home.
 - (d) The identification number of the home.
 - (e) The manufacturer’s trade name.
 - (f) The year of manufacture and model name or number of the home.
 - (g) The dates bought, sold, and exchanged.
 - (h) The name and address of the purchaser.
- (2) If a retailer is selling or brokering the home, except to another retailer that will be holding the home for resale, the retailer or its authorized representative shall prepare and file an application for a certificate of manufactured home ownership, which shall include any lien held against the home. If a retailer is selling or brokering the sale of a home that it was holding for resale, except to another retailer that will be holding the home for resale, it shall also file the application for a certificate of manufactured home ownership. The application shall be on a form prescribed by the department.
- (3) All sales of a home shall be executed by purchase agreement.
- (4) A retailer shall retain all of the following documents for 4 years:
- (a) A copy of the manufacturer’s invoice for each new home.
 - (b) A copy of each purchase agreement, as defined in these rules, with any attachments needed to complete the purchase agreement for each home bought, sold, and exchanged.
 - (c) The retailer’s copy of the validated application for a certificate of manufactured home ownership.
 - (d) Service records for each home sold. If the home is pre-owned, all records that the retailer may have knowledge of shall be retained.
 - (e) A list of all options purchased with a specific home, unless otherwise contained in the purchase agreement.
 - (f) A copy of the retail installment sales agreement for all retailer-arranged financing.
- (5) A retailer that maintains an escrow account shall maintain a separate record of consumer deposits at its principal place of business for 4 years. The records shall consist of all of the following:

- (a) A record that shows the chronological sequence in which consumer deposits are received and disbursed.
- (b) For consumer deposits received, the record shall include all of the following information:
 - (i) The date of receipt.
 - (ii) The name of the individual who is giving the consumer deposit.
 - (iii) The name of the individual receiving the consumer deposit.
 - (iv) The amount.
- (c) If the consumer deposit is in the form of collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.
- (d) For disbursements, the record shall include all of the following information:
 - (i) The date.
 - (ii) The payee.
 - (iii) The check number.
 - (iv) The amount.
- (e) A running balance shall be shown after each entry of receipt and disbursement.
- (6) A retailer who maintains a bond, cash, or security deposits in place of an escrow account shall maintain a record for 4 years consisting of the following:
 - (a) For consumer deposits received, the record shall include all of the following information:
 - (i) The date of receipt.
 - (ii) The name of the individual who is giving the consumer deposit.
 - (iii) The name of the individual receiving the consumer deposit.
 - (iv) The amount.
 - (b) If the consumer deposit is collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.
 - (c) For disbursements, the record shall include all of the following information:
 - (i) The date.
 - (ii) The payee.
 - (iii) The check number.
 - (iv) The amount.
- (7) The retail installment contract shall disclose all arrangements made between the retailer and the consumer regarding the consumer deposit, such as any of the following:
 - (a) Trade-ins.
 - (b) Rebates.
 - (c) Promissory notes.
 - (d) Cash.

R 125.1403 Consumer deposits; providing consumer with executed purchase agreement; recording amount of consumer deposit; refunds; notice to consumer of intent to cancel purchase agreement; accepting deposits and agreements in name of retailer; escrow accounts; alternative to escrow account; notice of refund on purchase agreement.

Rule 403. (1) Before receiving a consumer deposit, a retailer shall give the consumer an executed purchase agreement.

(2) Unless the retailer has a consumer deposit bond or cash or security deposits under subrule (9) of this rule, a consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the retailer may transfer the deposit to a general account.

- (3) A retailer shall record the exact amount of the consumer deposit on each request for financing that is sent to a lending institution.
- (4) A retailer shall refund to a consumer the total amount of a consumer deposit on the purchase of a home not more than 15 banking days after a request for financing has been rejected by the lending institution or if the consumer cancels the purchase agreement before the binding date under subrule (13) of this rule. The consumer shall notify the retailer, in writing, of his or her intent to cancel the purchase agreement. The notification shall be delivered to the retailer by certified mail postmarked before the close of the business day on the binding date to be eligible for return of the consumer deposit. A retailer has no obligation to refund the consumer deposit if the consumer cancels the purchase agreement of a new or pre-owned home after the binding date. As used in this subrule, “binding date” means either 7 days after the date that a purchaser of a home receives a legible copy of the executed purchase agreement or the time at which the purchase agreement is executed if an application for certificate of manufactured home ownership is executed within 7 days.
- (5) An employee who accepts consumer deposits and purchase agreements in the name of a retailer is authorized by the retailer to accept the deposits.
- (6) As a condition of licensing, a retailer shall establish an escrow account, post a consumer deposit bond, or deposit cash or other securities in compliance with the provisions of section 24(c) of the act for the protection of consumer deposits received by the retailer.
- (7) If a retailer establishes an escrow account, the retailer shall place all consumer cash deposits or similar negotiable instruments of the consumer’s deposit in the escrow account by the end of the second banking day following receipt. Escrow accounts shall be maintained as checking accounts.
- (8) A retailer may maintain an escrow account at each location where it maintains records. A retailer may maintain not more than \$500.00 of its own funds in each deposit escrow account to cover bank service charges and to avoid the account being closed or overdrawn if there are no other funds in the account. The funds shall be accounted for in a bookkeeping system as prescribed in these rules.
- (9) In place of an escrow account, a retailer may maintain, for each location, a consumer deposit bond or cash or security deposits in an amount equal to the highest monthly receipts of consumer cash deposits and cash value of other security recorded over the previous 3 years. If the highest monthly receipts formula is used to determine the amount of the bond or deposit, then the amount of the bond or deposit shall be adjusted to reflect the previous 3 years’ experience before a license is renewed. If at any time the consumer deposits received exceed the amount of the bond or deposit established under the formula, then the retailer shall immediately increase the amount of the bond or deposit or escrow the excess amount.
- (10) If a retailer posts a bond or deposits cash or other securities, then the retailer who files an initial application shall maintain the bond, cash, or other securities at a minimum of \$10,000.00 per location until sufficient data is available to comply with the formula. If the retailer has more than 1 location, then the required bonds or deposits may be combined into 1 bond or deposit.
- (11) All bonds shall be made payable to the “State of Michigan” on a form prescribed by the department and shall accompany an application for a retailer’s license. All cash or security deposits shall be deposited with the State of Michigan upon application for a retailer’s license. If the application is for a renewal license only, and if a copy of the bond is on file and the bond is continuous or if the cash or securities are on deposit, then this subrule shall not apply.
- (12) If a retailer establishes an escrow account, then the retailer shall file, with the department, on a form prescribed by the department, an affidavit attesting to the fact that account has been established. The affidavit shall be filed as an enclosure to the retailer license application.
- (13) The front of each purchase agreement shall contain the following statement in not less than 8-point, boldfaced, all caps type:

“Seven days after the purchaser receives a legible copy of the executed purchase agreement, or if any time within the 7 days an application for a certificate of manufactured home ownership is fully executed, the sale is final and the retailer is not obligated to refund the consumer deposit if the purchaser subsequently cancels the agreement. If the purchaser elects to cancel the purchase agreement within the 7 day limit and an application for a certificate of manufactured home ownership has not been fully executed, the purchaser shall notify the retailer in writing by certified mail postmarked before the end of the seventh day to be eligible for full refund of the consumer deposit.”

R 125.1404 Prohibited business practices.

Rule 404. (1) In addition to other laws and rules promulgated for the purpose of regulating business practices, a retailer shall not engage in any of the following practices:

(a) Without the express written consent of the purchaser, alter or substitute a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase agreement.

(b) Without the express written consent of the purchaser, alter, substitute, or remove a part, option, accessory, or item of standard equipment of a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase agreement.

(c) Without the express written consent of the purchaser, alter, or substitute a part or entry of, a purchase or financing agreement after the agreement has been executed by all parties to the transaction. The purchaser's consent shall become an attachment to the purchase or financing agreement.

(2) A retailer shall comply with the provisions of 1976 PA 331 MCL 445.901 et seq.

R 125.1405 Retail installment sales agreements; retailer-obtained financing or insurance; payment of floor plan lender; pay off of loan.

Rule 405. (1) A retail installment sales agreement utilized by a retailer shall conform to the federal consumer credit protection act, Public Law 90-321, 15 U.S.C. §1601 et seq., and to 1966 PA 224, MCL 445.851 et seq.

(2) A retailer shall not require retailer-obtained financing or insurance of a home as a condition of sale.

(3) A retailer shall pay its floor plan lender for a home within 15 days after the retailer receives payment for the home from a purchaser or a purchaser's lender.

(4) A retailer shall pay off a loan on a home within 15 days after taking the home in trade or receiving payment for the home unless the requirement is waived by the homeowner, borrower, and the lender holding the loan on the home.

R 125.1407 Retailer termination.

Rule 407. (1) Immediately upon determining to terminate, a retailer shall do all of the following:

(a) By certified mail, notify the department of its proposed termination:

(b) By certified mail, notify each purchaser of a new or pre-owned home who within 1 year before the proposed termination date, purchased a home from the retailer that the retailer shall be terminated. The notification shall clearly state the responsibilities for future service and repair under guarantees and warranties, financial claims, and all other retailer claims and obligations previously issued under the purchase agreement.

(2) A terminated retailer shall retain all accounts and records prescribed by these rules for 4 years after the date of retailer termination.

(3) If required, a retailer who terminates shall surrender all accounts and records to the department.

(4) The person from whom records are requested shall provide the records to the department not later than 15 days after the date the person receives written notice of the request, unless advised otherwise by the department.

(5) A retailer that is terminating shall post a sign which states that the retailer is terminating.

R 125.1408 Warranties and service.

Rule 408.

(1) A manufacturer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, and was delivered to the retailer in that condition. The standard is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost as of the time of adoption of these amendatory rules of \$29.00.

(2) A retailer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, as referenced in subrule (1) of this rule, which occurred after the manufacturer delivered the home to the retailer but before home installation begins.

(3) A manufacturer and retailer shall warrant that they shall take appropriate corrective action at the site of the home for breach of their respective warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase of the home. However, the purchaser must give written notice to the manufacturer or retailer not later than 1 year and 10 days after the date of completed installation or purchase.

(4) The warranty shall include the appliances situated in the home, unless the appliances are covered by a warranty from the appliance manufacturer that equals or exceeds the warranty provided in subrules (1), (2), and (3) of this rule.

R 125.1409 Retailer acting as broker; responsibilities.

Rule 409. (1) A retailer acting as a broker who obtains a home listing shall give a true copy of the listing agreement to the listing homeowner. A listing agreement shall be completed by the retailer acting as a broker before it is signed by the listing homeowner.

(2) A listing agreement shall set forth an expiration date. A listing agreement shall not contain a provision requiring the listing homeowner to notify the retailer acting as a broker of the listing homeowner's intention to cancel the listing on or after the expiration date.

(3) A retailer acting as a broker shall deliver to an offeror a signed copy of the offer to purchase immediately after it is signed by the offeror. Upon receipt of the written offer to purchase, a retailer acting as a broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining a proper acceptance of the offer to purchase that is signed by the seller, the retailer acting as a broker shall promptly deliver true copies of the acceptance to the purchaser and the seller. A retailer acting as a broker shall certify, in writing, that all conditions of the home transaction are included in the offer to purchase.

(4) A retailer acting as a broker who is involved in the consummation of a home transaction shall furnish the buyer and seller with a complete and detailed closing statement which is signed by the retailer acting as a broker and which shows all receipts and disbursements of the transaction.

(5) A retailer acting as a broker shall not close a home transaction contrary to the terms or conditions of the offer to purchase, unless the written amendments are approved and signed by the purchaser and the seller.

(6) A person seeking an exclusion to the definition and rules of a retailer shall show proof of the exclusion.

(7) In addition to accounts and records prescribed by these rules, a retailer acting as a broker shall retain copies of all of the following for a period of 4 years:

- (a) Listing agreements.
- (b) Offers to purchase.
- (c) Validated receipts for applications for a certificate of manufactured home ownership.
- (d) Closing statements.
- (e) Leasing agreements.
- (f) Consumer deposit accounts and records.

R 125.1410 Retailer; place of business.

Rule 410. A retailer shall maintain a physical location in Michigan from which it conducts business. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

R 125.1411 Retailer or agent; prohibited activities.

Rule 411. (1) A retailer or agent of a retailer shall not do any of the following:

- (a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.
 - (b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for, an unlicensed person.
 - (c) Allow one's license to be used by an unlicensed person.
 - (d) Be acting as or be an apparent licensed retailer for an undisclosed person or persons who do or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.
 - (e) Buy or acquire, directly or indirectly, an interest in a home that is listed with the retailer, unless the true position of the retailer or agent is clearly made known in writing, to the listing owner.
 - (f) Acquire, directly or indirectly, an option to purchase a particular home, unless the true position of the retailer or agent is clearly known through a written notice to the homeowner of the particular home who requested the services of the retailer or agent to transact the brokering of the particular home.
 - (g) When buying or acquiring an interest in a home, directly or indirectly, charge or accept from the seller, directly or indirectly, a commission, fee, or other valuable consideration as a result of the sale of the home in the transaction without receiving the seller's previous written consent to the specified consideration, given after the notice provided in subdivision (f) of this subrule.
 - (h) Enter into a net listing agreement with a homeowner or seller in which the retailer receives, as its payment, all monies in excess of the minimum sales price agreed upon by the retailer and the seller.
- (2) Upon a request by the department, a retailer shall present proof of compliance with this rule.
- (3) A retailer shall not purchase or otherwise acquire a home from a person unless the certificate of manufactured home ownership for the home is conveyed to the retailer by the current homeowner or homeowners, their legal heirs, or their designated agent.
- (4) A retailer shall not enter into a listing agreement with any person other than the person or persons indicated on the certificate of manufactured home ownership, their legal heirs, or their designated agent.

R 125.1413 "Other transfer" explained.

Rule 413. “Other transfer,” as used in section 30c(3)(b) of the act, includes the following transfer: If a homeowner dies owning 1 or more homes that have a total value of not more than \$10,000.00 and does not leave other property that requires the procurement of letters administration or letters testamentary under section 114 of 1978 PA 642, MCL 700.14 then the surviving husband or wife or heir in the order named in section 115 of 1978 PA 642, MCL 700.15 may apply for a certificate of manufactured home ownership. Before applying, the surviving husband or wife or heir shall provide the department proper proof of the death of the homeowner. The surviving husband or wife or heir shall also attach an affidavit to the proof of death that sets forth the fact that the prospective applicant is the surviving husband or wife or heir. Upon proper petition, the department shall furnish the applicant with a certificate of manufactured home ownership.

R 125.1415 Retailer; disclosures in purchase and listing agreements.

Rule 415. A retailer shall do both of the following:

- (a) Disclose in the listing agreement that the home offered is located on a home site in a community and, if required, that the seller has obtained approval for the sale of the home on the home site in the community. The listing agreement shall also disclose the compensation to be received by the retailer upon closing.
- (b) Disclose in the purchase agreement that the purchaser has obtained approval for his or her tenancy in the community.

R 125.1416 Rescinded.

R 125.1417 Retailer; supervision and control.

Rule 417. (1) It shall be a failure upon the part of a retailer to exercise supervision and control of an employee if the retailer has knowledge that a provision of the act or these rules pertaining to regulation of retailers is being violated by an employee and immediate action is not taken to correct the violation so as to insure compliance with the act or these rules.

(2) A retailer shall have the burden of proof to show compliance with this rule.

R 125.1419 Certificate of origin; addendum to application for certificate of manufactured home ownership.

Rule 419. (1) The certificate of origin shall be attached as an addendum to the application for a certificate of manufactured home ownership when filing for an original certificate of manufactured home ownership.

(2) For the purpose of complying with subrule (1) of this rule, the certificate of origin shall be immediately surrendered by the lender holding such certificate to the retailer upon request.

(3) The department may authorize the issuance of a certificate of manufactured home ownership without the manufacturer’s certificate of origin if the department is satisfied as to the ownership of a home and is unable to obtain the certificate.

PART 5. INSTALLER AND SERVICER BUSINESS PRACTICES

R 125.1501a “Work order” defined.

Rule 501a. As used in this part, “work order” means an express written agreement in which a person agrees to install or service a home and includes the installer and servicer’s license number.

R 125.1503 Place of business.

Rule 503. An installer and servicer shall maintain a physical location in Michigan from which it conducts business. A post office box, secretarial service, telephone answering service, or similar entity does not constitute a physical location.

R 125.1503a Warranty.

Rule 503a. (1) An installer and servicer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, which occurred during the installation of the home. This standard is adopted by reference in R 125.1408.

(2) An installer and servicer shall warrant that it shall take appropriate corrective action at the site of the home for breach of its warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase. However, the purchaser must give written notice to the manufacturer, retailer, or installer and servicer not later than 1 year and 10 days after date of completed installation or purchase.

R 125.1504 Work orders; estimates; warranties; abandonment.

Rule 504. (1) All installation and service of a home shall be executed under a work order. The conditions set forth in a work order may vary according to type of work required and desired specifications, but at a minimum shall include the specific work to be performed and itemized costs based on information available at the time the work order is executed. The work order may be used for separate cost estimates or as a receipt for customer deposits. All conditions of the installation or service shall be included in the work order.

(2) All estimates for installation and service of a home shall be executed under a work order.

(3) Changes in a work order shall not be made by an installer and servicer without the express written consent of the customer.

(4) If, for any reason, an installer and servicer intends to abandon a work order, the installer and servicer shall notify each customer for which it has outstanding obligations under the conditions of the work order of the exact reason for abandonment. Notice shall be in writing and by certified mail. Abandonment of a work order by an installer and servicer includes, but is not limited to, the following acts or omissions:

(a) Failure to start and complete work according to the conditions of the work order, unless the express written consent of the customer is given.

(b) Failure to request, within 7 days after the work order has been executed, the necessary permits to perform the work agreed upon in the work order, unless the express written consent of the customer is given.

(c) Failure to maintain the schedule of performance agreed upon in the work order without good cause, unless the express written consent of the customer is given.

R 125.1505 Retention of documents.

Rule 505. (1) All of the following documents shall be retained by an installer and servicer for 4 years:

(a) Accounts and records required by local ordinances, other laws, and these rules.

(b) A copy of each work order with attachments.

(2) All accounts and records that are required by these rules to be retained shall be available for inspection by an authorized representative of the department during normal business hours.

R 125.1507 Voluntary termination; retention of accounts and records.

Rule 507. (1) An installer and servicer may terminate after notifying by certified mail both of the following entities of its intent to terminate and the proposed date of termination:

- (a) The department.
- (b) Each customer to which it has outstanding obligations pursuant to the conditions of a work order and warranty.
- (2) A terminated installer and servicer shall retain all accounts and records prescribed by these rules for 4 years after the date of termination.

R 125.1508 Unlawful practices.

Rule 508. (1) Without the express written consent of a customer, an installer and servicer shall not install or service a home or a part, option, accessory, or item of standard equipment of a home that, to the best of its knowledge, will result in an alteration or substitution to the manufacturer's installation, construction, and performance standard in effect at the time of manufacture. The customer's consent shall be attached to the work order.

(2) If a customer desires installation or service that alters or substitutes the manufacturer's standard, then the engaged installer and servicer shall notify the customer by certified mail or personal delivery, that, to the best of its knowledge, the desired installation or service alters or substitutes the manufacturer's standard and that the alteration or substitution may void the manufacturer's warranty.

(3) An installer and servicer shall not do any of the following:

(a) Divert money or other security that is received for the prosecution or completion of an installation or service, or both, of a home or a part, option, accessory, or item of equipment of a home under the conditions of the work order.

(b) Fail to account for or remit money in the installer and servicer's possession that belongs to others.

(c) Willfully depart from or disregard plans, specifications, or the conditions set forth in the work order without the written consent of the customer.

(d) Willfully violate or disregard the building laws, codes, and ordinances of the state or a political subdivision of the state, including failing to obtain the permits that are required for the installation or service, or both, of a home.

(e) Fail to deliver to a customer the customer's signed work order executed upon completion of the installation or service performed under the conditions of the work order.

(f) Fail to deliver to a customer the entire executed work order, including itemized costs of materials and other charges arising out of, or incidental to, the work order for the installation or service, or both, of a home before the work commences.

(g) Aid or abet an unlicensed person to evade the provisions of the act or rules promulgated under the act; knowingly combine or conspire with, or be acting as agent, partner, or associate for, an unlicensed person; allow one's license to be used by an unlicensed person; or be acting as, or be an apparent licensed installer and servicer for, an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

PART 6. HOME INSTALLATION

R 125.1601 Definitions.

Rule 601. As used in this part:

(a) "Anchoring equipment" means straps, cables, turnbuckles, chains, including tension devices, or other securing devices that are used with ties to secure a home to ground anchors.

(b) "Anchoring system" means a combination of ties, anchoring equipment, and ground anchors that will, when properly installed, resist the movement of an emplaced home caused by wind forces.

- (c) "Cap" means a 2-inch or more solid concrete block, a 2-inch or less solid pressure-treated wood or hardwood block that resists decay, or a 1/4-inch or more solid steel plate that is placed on top of the pier. The dimensions of the cap shall be the same width and length of the pier.
- (d) "Factory installed" means any construction or installation of any integral part of a home at the site of manufacture or at the site of installation and includes any of the following:
 - (i) Water supply hookup from the water riser to the water supply inlet.
 - (ii) Sewer system hookup from the sewer riser to the drain or drains outlet.
 - (iii) Fuel supply systems hookup from the service supply connection to the fuel supply inlet.
 - (iv) Electrical supply line from the main service line to the home service entry if the connection is a simple plug-in and does not require direct wiring or exceed a service of 50 amps.
- (e) "Footing" means that part of the foundation system that lies directly on the ground or below the surface of the ground and on which the piers are placed. If a footing is below the surface of the ground, it shall be 16 inches or more in diameter and at least 42 inches below grade. The footing may be less than a 42-inch depth if supported by a soils analysis. A footing shall be constructed in compliance with R 408.30401 et seq. of the Michigan building code.
- (f) "Foundation system" means a combination of footings, piers, caps and shims that will, when properly installed, support a home.
- (g) "Ground anchor" means any device designed to transfer the home anchoring loads to the ground or foundation.
- (h) "Installation" means the process of setting a home, including its non-permanently affixed steps, skirting, and anchoring systems, on a foundation footing. The term includes all of the following:
 - (i) Leveling.
 - (ii) Stabilizing, if required.
 - (iii) Connecting utilities, including water meters, under subdivision (d) of this rule.
- (i) "Pier" means the vertical portion of the home support system between the footing and the home frame, exclusive of caps and shims.
- (j) "Shim" means a tapered wedge of hardwood or other approved material which has a maximum thickness of 1 inch, which is a minimum of 3 inches wide and 6 inches long, and which, when driven in tightly in pairs between the cap and the home frame I-beams, performs as a lending and stabilizing device.
- (k) "Stabilizing system" means a combination of properly installed anchoring and support systems.
- (l) "Tie" means a strap, cable, or a securing device that is used to connect a home to ground anchors.

R 125.1602 Installation.

Rule 602. (1) For all new homes brought into or sold in Michigan, the manufacturer shall provide express written instructions for the installation of each home specifying the location and required design load capacity of the piers and the location and the required design load capacity of any other recommended stabilizing systems, if required. All homes shall be installed according to the manufacturer's installation instructions. The person installing a home has the option of installing a plastic vapor barrier on the ground under the home, unless the manufacturer's installation instructions specifically mandate the placement of the vapor barrier. Crossbeaming shall not be allowed under a home installed after July 16, 1998, unless approved by the manufacturer of the home. In the case of a pre-owned home, the approval also may be given by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 et seq.

(2) In the absence of the manufacturer's installation instructions, the installation of homes shall be in compliance with specifications prepared by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 et seq. or, if a licensed design professional is not available, in compliance with all of the following specifications:

- (a) All grass shall be removed and the foundation footing shall be installed on or in stable soil.
- (b) Piers shall be installed directly under each main frame beam, unless crossbeamed after approval from the manufacturer of the home or a licensed design professional registered in compliance with 1980 PA 299, MCL 339.101 et seq.
- (c) Footing and pier spacing shall not exceed the minimum span identified in table A-1 and a positive grade shall be established.

Table A-1

Soil Capacity	1500 PSF	2000 PSF	2500 PSF	3000 PSF	3500 PSF	4000 PSF
Footing Size						
(a)(f)	24"x24"x6"	22"x22"x6"	20"x20"x6"	18"x18"x6"	16"x16"x6"	16"x16"x6"
Spacing:						
Main Beams	6' (ii)(iii)	6' (ii)(iii)	6' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)
Perimeter	(v)	(v)	(v)	(v)	(v)	(v)
Marriage Beam	8' (ii)(iv)	8' (ii)(iv)	8' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)

- (i) All footings shall extend 42 inches below actual grade. The footing may be less than the 42-inch depth if supported by a soil analysis. A footing shall be installed in compliance with R 408.30401 et seq. of the Michigan building code.
 - (ii) Piers shall be located under each main beam and marriage line beam starting within 2 feet from the end of each beam then spaced according to this table.
 - (iii) Piers may be offset up to 1 foot to allow for such obstruction as axles (if permanently attached to frame).
 - (iv) Additional piers shall be added on each end of every opening in the marriage wall which is 4 foot or larger and shall be considered columns.
 - (v) Perimeter piers shall be installed on sidewall openings greater than 4 foot and exterior doors.
 - (vi) Footing shape may be other than square. Maintain equal amount of footing area.
- (d) Piers shall be installed under the center beam/marriage line of multisectional homes at all interior openings of more than 4 feet on the marriage wall and at each end of the marriage line.
- (e) The piers nearest each end of the home shall be within 2 feet of either end of the home frame.
- (f) Concrete block piers shall be constructed of at least 8-inch by 8-inch by 16-inch blocks and placed on the foundation footing. The blocks shall be placed with the open cells vertical. A cap shall be placed on top of the pier. A wood plate that has the same dimensions as the pier and cap may be placed on top of the cap for additional leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame I-beam and shall not take up more than 1 inch of vertical height.
- (g) Pier tiering shall be in compliance with all of the following requirements:

- (i) Piers 30 inches in height or less above a footing may be single-tier construction composed of 8-inch by 8-inch by 16-inch open cell concrete blocks that conform to ASTM standard C 90-99. The standard is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$25.00. Blocks shall be capped with 2-inch by 8-inch by 16-inch hardwood or treated wood, with a solid concrete block cap, or with a 1/4-inch solid steel plate. Blocks shall be set with the openings vertical.
- (ii) Piers that are more than 30 inches in height above a footing shall be double-tier construction with blocks interlocked and capped with a 4-inch by 16-inch by 16-inch solid concrete cap.
- (iii) The concrete blocks of double-tier piers that are more than 80 inches in height above a footing shall be filled with concrete and steel reinforcing rods.
- (h) Piers shall be installed perpendicular to the main frame of the home and shall not be offset from the foundation footing.
- (3) Crossover heat ducts shall not lie on the ground. Heat duct strapping shall not restrict the opening.
- (4) A home shall not be placed in a designated floodway, as determined by the Michigan department of environmental quality.
- (5) An anchoring system shall be installed on a home.
- (6) Permits shall be obtained for the construction of footings and accessories and the installation of homes from the enforcing agency charged with the administration and enforcement of the codes pursuant to Section 8a of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

R 125.1602a Installation; systems compatibility.

Rule 602a. All components used in the installation of a home, such as foundation footings and piers, shall be uniform in construction .

R 125.1603 Utility hookups.

Rule 603. All utility hookups to a home shall be in compliance with the following minimum standards:

- (a) Water: Each home shall be connected to the service outlet by semirigid tubing, such as copper tubing or approved plastic piping. The minimum size of the threaded inlet connection shall be 3/4 of an inch . An easily accessible, hand-manipulated shutoff valve shall be installed on the water supply inlet to the home. A water supply protection device, such as a heat tape, which is approved to be sold or for use in this state by the state construction code commission and which is designed for use with homes, shall be installed at the time the home is installed on a home site to prevent service lines, valves, and riser pipes from freezing. The water service riser shall be insulated and covered to prevent the loss of heat. If an extension cord is used, it shall be listed by underwriters laboratories or by a similar organization and shall be approved for exterior use. The protection device shall be installed in compliance with the manufacturer's specifications as approved by the state construction code commission. It is the responsibility of the resident to provide protection for the water line from 1 inch beyond the underside of the home to 30 inches below the surface of the ground within the water crock or to the bottom of the crock, whichever is less.
- (b) Home fuel supply systems shall be in compliance with all of the following provisions:
 - (i) Furnaces, hot water heaters, appliances, or any item of equipment that uses gas shall be fully compatible with the type of gas used. All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces, and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the

appliance. The required separation may be obtained by installing direct vent system (sealed combustion system) appliances or by installing appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the home and ensuring that there is no door, removable access panel, or other opening into the enclosure from the inside of the home and that any opening for ducts, piping, wiring, or similar items is sealed. This paragraph applies to the installation of the systems specified in this paragraph in new and pre-owned homes.

(ii) An easily accessible, approved, hand-manipulated shutoff valve controlling the flow of gas to the entire gas piping system shall be installed as close as possible to the service meter or supply connection of the liquefied petroleum gas container. Approved piping that has a 1/2-inch or more inside diameter shall be used for any gas line. After the home is connected to the service meter or supply connection, the piping system shall be tested to not less than 10 inches nor more than 14 inches of water column (1/2 psi). An appliance connection shall be tested for leakage with soapy water or bubble solution.

(iii) A fuel supply system other than gas shall be in compliance with state codes.

(iv) Fuel supply meters, regulators, shutoff valves, and pedestals shall not be located under a home or within a skirted area.

(v) Natural gas, liquefied petroleum gas (LPG), and fuel oil piping that connects the home to the service pedestal or tank shall be installed underground if the distance between the pedestal or tank and the home is more than 2 feet.

(c) Drain: Schedule 40 ABS or PVC plastic pipe that has the same diameter as the drain outlet shall be installed from the home outlet to the home site sewer service riser. The drain line shall be supported at not less than 4-foot intervals. Plumber's strapping shall be used for support where possible. All joints shall be sealed to preclude leaks. There shall be an approved seal at the sewer riser. All drain lines shall have a cleanout installed within 2 feet of each drain outlet.

(d) If the calculated load is more than 50 amperes or if a permanent electrical supply line is used, then the line shall be connected by a person who is licensed under the provisions of 1956 PA 217, MCL 338.881 et seq.

(e) Electrical meters and pedestals shall not be located under a home or within a skirted area.

(f) An electrical supply line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the line shall be placed underground according to state codes.

R 125.1604a Compliance responsibility.

Rule 604a. A community is responsible for ensuring compliance with the spacing requirements in R 125.1941, R 125.1944, and R 125.1947a(3) for the installation of homes within the community.

R 125.1604b Rescinded.

R 125.1605 Anchoring systems.

Rule 605. (1) A home anchoring system that is sold or manufactured or installed within this state shall be in compliance with all of the following provisions:

(a) Be designed and constructed in compliance with the United States department of housing and urban development standards entitled "Manufactured Home Construction and Safety Standards," which are adopted by reference in these rules. Copies of the standards may be obtained at no cost from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, or from the Department of Consumer and Industry Services, Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909.

- (b) Be installed in compliance with its manufacturer's specifications.
- (c) Be approved to be sold and for use within this state by the state construction code commission.
- (2) An anchoring system that is sold in this state shall be certified, in writing, by its manufacturer as meeting the standards required by these rules.
- (3) An anchoring system manufacturer shall furnish, and ship with each approved anchor system, information pertaining to the type or types of soil the system has been tested and certified to be installed in and instructions as to the method of installation and the periodic maintenance required.
- (4) The model number shall be permanently marked on each anchor system.

R 125.1606 Rescinded.

R 125.1607 Anchoring systems; changes in design, construction, and materials.

Rule 607. Changes in design, construction, and materials used in an approved home anchoring system shall not be made. If changes are made to an approved home anchoring system by the manufacturer, then the revised anchoring system shall be resubmitted to the state construction code commission for approval.

R 125.1608 Rescinded.

PART 7. COMMUNITY SAFETY

R 125.1701 Speed limits; traffic signs; internal road signs.

Rule 701. (1) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within 100 feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq.

(2) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

(3) Internal roads shall be named and so identified by signs located at all internal road intersections.

(4) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.

R 125.1702 Swimming pools.

Rule 702. Swimming pools shall be in compliance with 1978 PA 368, MCL 333.1101 et seq. and R 325.2111 et seq. of the department of environmental quality rules for public swimming pools.

R 125.1702a Fire safety.

Rule 702a. The community management shall notify each resident in writing, upon occupancy, of all of the following:

(a) The home site shall be kept free of fire hazards, including combustible materials under the home.

(b) If fire hydrants are available within the community, then vehicular parking on internal roads is prohibited within 15 feet of a hydrant in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq.

(c) Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.

(d) 1974 PA 133, MCL 125.771 et seq. which provides for home fire protection, requires that all homes manufactured, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the state construction code

commission. The homeowner of a home brought into this state for use as a dwelling shall have 90 days to comply with this act.

R 125.1704 Emergency telephone numbers.

Rule 704. Immediately upon occupancy, the community shall provide each resident with a list containing, but not limited to, all of the following information:

- (a) The telephone number of the servicing fire fighting agency.
 - (b) The telephone number of the servicing law enforcement agency.
 - (c) The telephone number of the community office, including any normal business hours and emergency telephone number where a representative of the community can be reached after normal business hours.
- A representative of the community shall be available to respond to emergencies.

R 125.1705 Playgrounds and recreational and athletic areas.

Rule 705. (1) Each playground and recreational and athletic area shall be kept free of safety hazards. Playground equipment shall meet the American Society for Testing and Materials (ASTM) specification F1487-01, which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864, or the American Society for Testing and Materials. A copy of this specification may be purchased from the American Society for Testing and Materials, 100 Barr Harbor, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$45.00.

(2) Playground equipment shall be inspected for defects by the community or its authorized representative once each calendar month when the playground equipment is in use. All defective equipment shall be removed, rendered unusable, or repaired immediately.

(3) A written record of the inspection shall be maintained at the community office. The record shall contain, but is not limited to, the date of inspection for each item of equipment, defects noted, if any, date corrected, and the name of the individual performing the inspection. These records shall be maintained in accordance with R 125.2007.

R 125.1708 Electrical maintenance.

Rule 708. (1) The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair.

(2) The community shall maintain yard lights that are part of the community lighting system unless otherwise disclosed in the community rules established by each community.

(3) Any part of the community electrical system that may present a real or potential safety hazard shall be immediately disconnected and repaired in compliance with R 408.30801 et seq. of the Michigan electrical code, or shall be condemned so as to protect against injury or loss of life.

(4) The homeowner shall ensure that the electrical supply line from the home to the pedestal is kept in good repair and in a serviceable condition. The line shall be approved for home use.

(5) Upon a determination of an electrical problem, the community shall, if the electrical system is community-owned, disconnect the home from the electrical pedestal on individually metered home sites. If direct billing by the servicing utility company is made, then the utility company shall disconnect the home's electrical service.

(6) An electrical supply line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the line shall be placed underground according to state codes.

PART 9. COMMUNITY CONSTRUCTION

R 125.1901 Definitions.

Rule 901. As used in this part:

- (a) “Access point” means the main community ingress and egress road.
- (b) “Alley” means a public or private right-of-way that serves and is dedicated as rear access to a parcel or parcels of land.
- (c) “Ingress and egress road” means the internal road that connects a public road with the remainder of the internal road system of a community.
- (d) “Meter” means a nationally recognized and approved device that measures the quantity of water, electricity, natural gas, liquefied petroleum gas, or fuel oil used.
- (e) “Parking bay” means any area in which more than 2 parking spaces are provided other than on a home site.
- (f) “Plans approval and permit to construct” means a department order upon approval of an application for a plans approval and permit to construct that permits the construction of a community or home condominium, permits a licensed community or existing home condominium to add home sites, or approves the as-built plans of a licensed community for subsequent conversion to a home condominium. The order also permits the construction within the community or condominium of optional improvements, but does not relieve the developer or owner from the responsibility of obtaining the required permits under other statutes or regulations pertaining to the optional improvement to be constructed. The order does not relieve the developer or owner from obtaining electrical and plumbing permits or, if required, fuel system permits.
- (g) “Public thoroughfare” means a public road that provides access to a community.

R 125.1902a Home condominium; application; conversion of existing community to home condominium.

Rule 902a. (1) An application for the construction of a home condominium project shall be submitted to the department by the developer in compliance with section 127 of 1978 PA 1959, MCL 559.227.

(2) The application for the construction of a new home condominium or the expansion of an existing home condominium shall be filed under R 125.1909.

(3) An applicant applying for approval of construction plans and a permit to construct for the conversion of a community to a home condominium with expansion shall file the application according to R 125.1905.

(4) An existing community that does not meet the standards of construction set forth in this part and R 325.3311 et seq. of the Michigan Administrative Code may be converted to a home condominium if it is brought into compliance with the standards under a plans approval and permit to construct or if a variance is approved by the commission under R 125.1948.

R 125.1904a Preliminary plan; disapproval.

Rule 904a. (1) A municipality, county road commission, county drain commissioner, or local health department shall not disapprove a preliminary plan, as defined in section 11(1) of the act, based on a local standard that is higher than the standards contained in these rules, unless the higher standards are approved by the commission under the provisions of section 7 of the act and R 125.1120.

(2) If a preliminary plan is disapproved by the agencies listed in subrule (1) of this rule based on a local standard which is higher than the standards contained in these rules and which has not been approved by the commission, then the developer may petition the commission for review of the disapproval under R 125.1130. If the commission finds that the local standards are in conflict with the standards contained in

these rules, then the developer may substitute the commission's finding for the disapproval of the agencies listed in subrule (1) of this rule under sections 4(1)(c) and (d), 7, and 11 of the act.

R 125.1905 Plans approval and permit to construct; application for approval; issuance of approval or intent to deny; validity; transferability.

Rule 905. (1) The department shall not issue a plans approval and permit to construct until all of the following are received from the developer and are approved by the department:

(a) One copy of the community construction plans and specifications under R 125.1906 to R 125.1909.

(b) The fee specified in R 125.1315.

(c) On a form prescribed by the department, an application and required exhibits completely and accurately filled out and executed.

(2) All of the following exhibits shall be submitted with the application:

(a) Copies of all existing and proposed easements or dedications, if any. If easements or dedications do not exist, then the developer shall submit a statement to that effect with the application.

(b) A soils analysis, which shall be provided by a professional engineer, shall state that the soils are sufficiently stable so as to support the home and the permanent foundation.

(c) Evidence of title to the property, such as title insurance, a deed, a land contract, an owner's affidavit, or, if the property is not owned by the developer, the owner's affidavit attesting to ownership and the granting of permission to develop the community project. If the developer has an option to purchase the property or is leasing the property, then the developer shall submit a copy of the purchase option or leasing agreement.

(3) Before the department issues a plans approval and permit to construct, the Michigan department of environmental quality shall issue to the department a construction plan approval pertaining to the public health aspects of the construction under sections 6(1) and 11(7) of the act, including all of the following approvals:

(a) Preliminary approvals of the local health department, county road commission, county drain commissioner, and municipality or an affidavit from the developer which states that the statutory time limit of 60 days, under section 11(5) of the act, has expired without the unit of local government taking the appropriate action.

(b) Approval from the department of environmental quality, in compliance with the requirements of 1994 PA 451, MCL 324.101 et seq. if the project lies in a floodplain.

(c) Approval from the department of environmental quality, in compliance with the requirements of 1979 PA 203, MCL 281.701 et seq. if the project lies in a wetlands area.

(4) The department shall issue a plans approval and permit to construct or intent to deny order within 90 days after receipt of a complete application or the plans are considered approved. The application shall be in compliance with the requirements in subrules (1), (2), and (3) of this rule.

(5) A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.

(6) A permit to construct is transferable upon approval by the department.

(7) The department shall maintain the plans approval and permit to construct and a copy of the approved plans and specifications as a permanent record. A copy of the approved plans and specifications shall be at the construction site or readily available during construction.

R 125.1908 Construction plans; contents.

Rule 908. (1) A complete set of community construction plans shall include specifications and working drawings. The documents shall show the design, location, dimensions, materials, quality of materials,

and workmanship standards necessary to construct the proposed community as related to internal road construction, utilities construction, home site construction, density, layout, open spaces, and other improvements to protect the health, safety, and welfare of community residents. Recreational facilities and any optional improvements shall be included in the plans. Specific plans shall include all of the following information:

- (a) A cover sheet that contains all of the following:
 - (i) The name and location of the community.
 - (ii) A comprehensive sheet index.
 - (iii) List of abbreviations.
 - (iv) Schedule of symbols.
 - (v) A location map of the project depicting its relationship to the surrounding area.
- (b) A site plan that shows all of the following:
 - (i) The location of all structures, sidewalks, internal roads, parking, and public road frontage.
 - (ii) The dimensions and identity of all existing and proposed easements and encroachments.
 - (iii) A survey bench mark shown by symbol and referenced to an official bench mark of the national geodetic survey or the United States geological survey, which are based on the national geodetic vertical datum of 1929.
 - (iv) Identification of all contiguous properties or waterways.
 - (v) If the community lies within or abuts a 100-year floodplain, floodplain data showing the 100-year contour line to the point where it intersects with the boundaries of the community or its limits, whichever is greater. Where a floodplain area exists, it shall be clearly labeled with the words “floodplain area.”
- (c) A typical home site at an enlarged scale that shows all of the following:
 - (i) Foundation construction.
 - (ii) Required distances from other structures under R 125.1941.
 - (iii) Details and location of sewer and water connections.
 - (iv) Details and location of the utility pedestal.
 - (v) Home site parking and other improvements.
 - (vi) Details showing subsurface gas lines and electric lines .
- (d) Except in a seasonal community, a community lighting plan showing the location of all light fixtures and a detail of the fixture to be installed, including a note indicating compliance with the illumination requirements under R 125.1929. In a seasonal community, a community lighting plan showing the location of all light fixtures, if provided, and a detail of the fixture to be installed.
- (2) Where appropriate, plans may be combined if legibility is not impaired.

R 125.1912 Filing changes in plans with department; notice of approval or disapproval.

Rule 912. A developer shall file 2 copies of bulletins, addendums, or shop drawings depicting changes with the department for approval before any physical changes are made. The department shall notify the developer of approval or disapproval within 20 days after receipt of the change. The department shall return 1 copy to the developer.

R 125.1913 Rescinded.

R 125.1918 Field inspections.

Rule 918. The department shall make field inspections necessary for an accurate evaluation and review of the community before, during, or after construction to ensure compliance with these rules and the approved plans.

R 125.1920 Internal roads; general requirements; local conditions.

Rule 920. (1) Internal roads shall be approved by the department when they are in compliance with all of the following general requirements:

- (a) Internal roads shall be constructed in compliance with R 125.1922(1).
- (b) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.
- (c) Dead end internal roads shall terminate with a turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- (d) A safe-sight distance of 250 feet shall be provided at intersections.
- (e) Offsets at intersections or intersections of more than 2 internal roads are prohibited.
- (f) Internal roads shall have driving surfaces with widths not less than the following:
 - (i) No parking.....21 feet.
 - (ii) Parallel parking, 1 side.....31 feet.
 - (iii) Parallel parking, 2 sides.....41 feet.

(2) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

- (a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.
- (b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
- (c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
- (d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

R125.1922 Internal roads; construction materials.

Rule 922. (1) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American association of state highway and transportation officials (AASHTO), which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$480.00.

(2) The community developer may use other suitable materials of equal quality if approved by the department.

R 125.1925 Resident vehicle parking.

Rule 925. (1) All home sites shall be provided with 2 parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

- (a) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the 2 parking spaces shall not be less than 20 feet and the length shall

not be less than 20 feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.

(b) A parking space shall be hard-surfaced.

(3) If vehicle parking is provided off the home site, then the parking spaces shall be adjacent to the home site and shall be in compliance with R 125.1926(2) and (3).

R 125.1926 Additional parking facilities.

Rule 926. (1) A minimum of 1 parking space for every 3 home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a road or sidewalk.

(2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

(3) If parking facilities are provided off the home site in bays and at office or other facilities, then they shall be in compliance with R 408.30427.

R 125.1928 Sidewalks.

Rule 928. If a developer provides sidewalks, then the sidewalks shall be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. A sidewalk system shall be in compliance with all of the following requirements:

(a) If constructed, sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with the requirements of 1973 PA 8, MCL 125.1361 et seq., an act which regulates sidewalks for handicappers.

(b) Except in a seasonal community, an individual sidewalk shall be constructed between at least 1 entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

(c) In a community built under construction plans and specifications approved under a previous act, an individual sidewalk which is lengthened shall be the same width for its full length and at least equal in width for its full length to the original individual sidewalk.

R 125.1929 Vehicular and sidewalk systems; illumination levels.

Rule 929. Except in a seasonal community, all vehicular and sidewalk systems within a community shall be illuminated as follows:

(a) Access points shall be lighted. If the adjacent public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the thoroughfare.

(b) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 footcandles.

(c) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.

R 125.1934 Community natural gas system.

Rule 934. The design, installation, operation, and maintenance of a community natural gas system shall, at a minimum, be in compliance with R 460.20101 et seq. of the Gas Safety rules and R 460.2301 et seq. of the Technical Standards for Gas Service and the construction, installation, and safety standards of the servicing public utility company. A community is responsible for installing the natural gas system up to and including the meter and its disconnect in new or existing communities. In addition, the community shall comply with all of the following provisions:

(a) Gas piping shall not be installed under a home building envelope or home, except for the piping required to connect the home to the servicing pedestal.

- (b) A home site shall be equipped with an approved weatherproof gas regulator and individual meter. The regulator and meter shall not be located under the home when it is placed on the home site. A community master meter shall not be used.
- (c) A home site shall have an approved gas shutoff valve installed upstream of the home site gas outlet and located on the inlet riser not less than 4 inches above the ground. The valve shall not be located under a home.
- (d) The minimum hourly volume of gas required at each point shall be designed according to applicable standards and the manufacturer's standard for the appliance or appliances served.

R 125.1935 Community centralized liquefied petroleum gas (LPG) system.

Rule 935. If a centralized community liquefied petroleum gas (LPG) system is provided, it shall be designed, installed, operated, and maintained according to the rules entitled "Liquefied Petroleum Gases," being R 29.4001 to R 29.4035. A community shall install the liquefied petroleum gas system up to and including the meter and its disconnect in new or existing communities. In addition to the requirements of R 29.4001 to R 29.4035 both of the following provisions shall apply:

- (a) A home site shall have an approved liquefied petroleum gas meter installed.
- (b) The minimum hourly volume of liquefied petroleum gas required at each point in the system shall be calculated according to applicable standards and the manufacturer's standard for the appliance or appliances to be served.

R 125.1936 Individual home liquefied petroleum gas (LPG) system.

Rule 936. If an individual home liquefied petroleum gas system is permitted, then the installation, operation, and maintenance shall be in compliance with the manufacturer's installation instructions and R 29.4001 et seq. of the Liquefied Petroleum Gases rules.

R 125.1937 Community centralized fuel oil systems; installation after effective date of rule prohibited.

Rule 937. Community centralized fuel oil systems shall not be installed after July 16, 1998.

R 125.1940 Television, telephone, and certain heating systems; compliance with state or local standards and ordinances.

Rule 940. (1) If central television antenna systems, cable television, or other similar services are provided, then the distribution systems shall be underground and shall be constructed and installed in compliance with state and local standards and ordinances.

(2) Telephone systems shall be installed underground and shall be in compliance with state and local standards and ordinances. If state and local standards and ordinances do not exist, then the system shall be installed according to the construction, installation, and safety standards established by the servicing telephone company.

(3) If a heating system other than natural gas, liquefied petroleum gas (LPG), or fuel oil is used, then the system shall be in compliance with state codes.

R 125.1940a Water system meters.

Rule 940a. (1) Water meter installation shall be in compliance with R 325.3321 and shall be approved by the Michigan department of environmental quality.

(2) All water meters shall be in compliance with the requirements of American water works association standards C700-95 entitled "Cold Water Meters – Displacement Type" (the cost at the time of adoption of these rules is \$36.00); C708-96 entitled "Cold Water Meters – Multijet Type" (the cost at the time of adoption of these rules is \$36.00); and C710-95 entitled "Cold Water Meters – Displacement Type Plastic Main Case" (the cost at the time of adoption of these rules is \$36.00). These standards are

adopted in these rules by reference and are available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

R 125.1941 Required distances between homes and other structures.

Rule 941. (1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(a) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

(b) For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

(c) Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.

(d) Fifty feet from permanent community-owned structures, such as either of the following:

(i) Clubhouses.

(ii) Maintenance and storage facilities.

(e) One hundred feet from a baseball or softball field.

(f) Twenty-five feet from the fence of a swimming pool.

(g) Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.

(2) A home, including an accessory, shall be set back all the following minimum distances, where applicable:

(a) Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.

(b) Seven feet from a parking space on an adjacent home site or parking bay off a home site.

(c) Seven feet from a common sidewalk.

(d) Twenty-five feet from a natural or man-made lake or waterway.

(3) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

(a) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.

(b) Roof overhang shall be set back 2 feet or more from the edge of the internal road.

(4) Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

(5) A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.

R 125.1944 Setbacks from property boundary lines.

Rule 944. (1) Homes, permanent buildings and facilities, and other structures shall not be located closer than 10 feet from the property boundary line of the community or home condominium and shall not be required by a local ordinance, unless approved by the commission, to be more than 10 feet from the property boundary line.

(2) Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall not be located less than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. Homes,

permanent buildings and facilities, and other structures shall not be required by a local ordinance to be more than 50 feet from the boundary line, unless the commission approves the ordinance. This rule does not apply to internal roads dedicated for public use.

R 125.1947 Optional improvements.

Rule 947. (1) Optional improvements may fulfill part or all of the total designated open space requirement.

(2) Optional improvements shall be in compliance with current state codes and applicable laws and ordinances pertinent to construction, including the obtaining of the appropriate state or local permits pertinent to the facility or structure being constructed.

R 125.1947a Communities constructed pursuant to previous acts or local ordinances, or both.

Rule 947a. (1) Amendments to the community construction standards in these rules do not apply to complete applications for plans approval and permits to construct received by the department before the effective date of these amendatory rules.

(2) A community that expands shall conform to all the requirements pertaining to community construction in these rules for the expansion.

(3) A community constructed according to the standards in previous acts, rules, or local ordinances shall be maintained in a condition consistent with the standards, with the following exceptions:

(a) A community shall be adequately lighted during darkness.

(b) If individual home site meters are installed, then the installation shall be in compliance with R 125.1932, R 125.1934, and R 125.1935.

(c) Meters that are owned by the community shall be calibrated in compliance with R 125.1938.

(4) In communities issued a permit to construct before February 28, 1979, enclosed structures attached to homes are considered obstructions in the 10-foot side yard space. All other structures or vegetation are not obstructions if there is a 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.

R 125.1948 Variances; procedure.

Rule 948. (1) The commission may authorize under section 18(5) of the act the department to enter into agreements with community developers, owners, operators, or authorized agents for the purpose of granting a variance to the community design and construction rules promulgated by the director.

(2) An applicant may file a request with the department for a specific variance if the specific requirement would cause an exceptional practical difficulty.

(3) An applicant shall file with the municipal clerk's office, all residents on home sites immediately adjacent to the place for which a variance is being requested, and the Michigan department of environmental quality, if the variance is to or would impact on public health regulations, a notice of the request at the time the request is filed with the department. A complete request that contains all of the information specified in this subrule shall be filed before the department considers the request under subrule (1) of this rule or not less than 30 days before any commission meeting at which it is to be considered. The request shall be in writing and shall include, but is not limited to, all of the following information:

(a) The specific citation of the rule requirement.

(b) Specific reason or reasons for the variance.

(c) A statement describing why the condition caused by the requirement is not so general or recurring that consideration should be given to amend the rules as the most practical means to rectify the difficulty.

- (d) A statement describing the difficulty encountered if the specific requirement of the rule was literally applied.
- (e) A statement describing the difficulty encountered in ensuring the protection of the health, safety, and welfare of community residents if the specific requirement of the act or these rules was literally applied, if applicable.
- (f) If a variance is requested for a specific home site, then the applicant shall provide all the following information:
 - (i) When the home site and all adjacent home sites were built.
 - (ii) When the home on the home site and all adjacent homes were installed.
 - (iii) The location of the hitch and all outside doors of the home on the home site.
 - (iv) The distance between the home on the home site and all adjacent homes, structures, sidewalks, internal roads, and community boundaries. The distance information shall be accompanied by an affidavit signed by the community owner or operator verifying the accuracy of all measurements.
 - (g) Any other specific information and data pertinent to justification for the specific variance.
- (4) The applicant or an authorized representative of the applicant shall attend any commission meeting at which a variance request will be considered and be prepared to explain the request.
- (5) A municipality, a resident, or a representative of the department of environmental quality, as described in subrule (3) of this rule, may submit comments relative to the request verbally at the commission meeting at which the variance will be considered or in writing. Any submitted comments shall be considered by the commission or the department in approving or denying the request.
- (6) If a community developer, owner, or operator or a local government is aggrieved by a decision of the department under subrule (1) of this rule, then the aggrieved party may petition the commission for a hearing in compliance with the requirements of 1969 PA 306, MCL 24.201 et seq.
- (7) This rule does not apply to a request for a variance to a local ordinance, zoning requirement, or local rules which may be granted only by local government under section 18(4) of the act.

R 125.1950 Existing communities; construction; permit to construct; alterations.

Rule 950. (1) An application for a permit to construct shall be filed with the department for all construction projects that alter an existing community in any manner from the community construction plans and specifications approved under 1939 PA 143, MCL 125.751 et seq. or 1959 PA 243, MCL 125.1001 et seq. Alteration projects include, but are not limited to, upgrading, installing, expanding, or removing utility service systems, community lighting systems, or internal roads.

(2) The department shall not issue a permit to construct until all of the following are received:

(a) From the applicant, and as approved by the department, all of the following items:

(i) Construction plans and specifications.

(ii) On a form prescribed by the department, an application completely and accurately filled out and executed.

(iii) The fee as specified in R 125.1315(4).

(b) From the department of environmental quality, both of the following approvals:

(i) Approvals of the local health department, county drain commissioner, county road commission, and municipality, if appropriate.

(ii) Approval by the department of environmental quality for matters pertaining to water supply, sewage collection and disposal, drainage, garbage and rubbish storage and disposal, and insect and rodent control.

(3) An application shall not be considered complete until all items referred to in subrule (2) of this rule have been received. This rule does not exempt the community from inspection requirements that are required by other laws, rules, or local ordinances as they apply to the specific project.

(4) The department shall issue a permit to construct or an intent to deny order within 45 days after receipt of a complete application.

PART 10. COMMUNITY BUSINESS PRACTICES

R 125.2001 Definitions.

Rule 1001. (1) As used in this part:

(a) “Community rules” means a written document promulgated by the community which regulates all of the following and which includes the informational and disclosure items specified in R 125.2006:

- (i) Yard maintenance.
- (ii) Automobiles.
- (iii) Children.
- (iv) Pets.
- (v) Guests.
- (vi) Garbage and rubbish disposal.
- (vii) Rental payments.
- (viii) Other conditions of tenancy.

(b) “Inventory checklist” means the identical written form used at the commencement and termination of tenancy that records the condition of all items on the home site which are owned by the community, including, but not limited to all of the following:

- (i) Building envelopes.
- (ii) Utility hookups.
- (iii) Patios.
- (iv) Driveways.
- (v) Parking spaces.
- (vi) Sewer connections.

(c) “Lease” means a written agreement for the use, possession, and occupancy of a home site or home, or both, which contains all conditions of tenancy and which may include the community rules and regulations.

(d) “Rent” means any consideration paid by a resident for the right to use, possess, and occupy a home site or home, or both, and other facilities made available to the resident by the community.

(e) “Security deposit” means a deposit, in any amount, paid by the resident to the landlord or its agent to be held for the term of the rental agreement, or any part thereof. “Security deposit” includes any of the following:

- (i) Any required prepayment of rent other than the first full rental period of the lease.
- (ii) Any sum required to be paid as rent in any rental period in excess of the average rent for the term.
- (iii) Any other amount of money or property that is returnable to the resident on the condition of return of the rental unit by the resident in the condition required by the rental agreement. “Security deposit” does not include an amount paid for an option to purchase under a lease with an option to purchase, unless it is shown that the intent was to evade the act.

(2) As used in section 28 of the act:

(a) “Entrance fee” means a fee charged by a community as a condition precedent to the right to reside in the community, including a community requirement for resident paid for or provided landscaping or underground sprinkling systems, or both. The term does not include any of the following:

- (i) Security deposits.
- (ii) Fees and taxes charged by a unit of government, except for fees and taxes to be paid by the community that are related to capital improvements.
- (iii) Deposits for service charged by public utilities.

- (iv) Utility charges billed directly to the resident by the community.
- (v) Rent.
- (vi) Actual cost of a credit report, if one is obtained.
- (vii) Nonrefundable cleaning fee as allowed by law.
- (viii) A community requirement that a current or prospective resident, a retailer, or an installer and servicer pay for changing the electrical service provided to the home from the electrical pedestal disconnect box if the change is necessary to meet the Michigan electrical code, R 408.30801 et seq. for service to the home. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.
- (ix) A community-required payment for the part of a foundation system that is more than 66 feet in length for a single section home and 56 feet in length for a multiple section home. The home lengths may be altered annually by the commission through an interpretive statement. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site. This exemption applies to foundation systems on new home sites in communities whose applications for permits to construct were received after June 29, 1994.
- (x) A community-required payment for the part of a foundation system in excess of that which exists on a previously occupied home site. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.
- (xi) A community-required payment for a foundation system that is approved by the department for use in the community, but not provided by the community. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.
- (xii) Other fees as determined by the commission by declaratory ruling or interpretive statement.
- (b) “Exit fee” means any fee charged by a community as a condition precedent to the right to terminate tenancy. This does not foreclose the right of the community to retain the security deposit in compliance with the requirements of 1972 PA 348, MCL 554.601 et seq.

R 125.2001a Inspections; inspection standards.

Rule 1001a. Before a home is offered for sale or placement of a “For Sale” sign, a home shall be inspected if required by the community rules. The inspection shall be in compliance with section 28a of the act and shall be valid for 1 year. The inspection standards shall be stated in the community rules and met by a majority of the homes in the community.

R 125.2003 Means to assure completion of optional improvements.

Rule 1003. An optional improvement for resident use or convenience which has not been completed, shall not be advertised unless the completion of the optional improvement is assured by substantial completion or the advertising discloses the promised date of completion, or both. If an optional improvement is not completed by the date promised, then the department may, after notice of opportunity for hearing, require an irrevocable bank letter of credit, bond, or similar undertaking that is acceptable to the department posted with a public authority or may require adequate reserves established and maintained in a trust or escrow account to ensure completion of the optional improvement. In determining adequacy of the account, the department shall be guided by the facts and circumstances of each individual case, but the account shall be in compliance with all of the following provisions:

- (a) Funds shall be kept and maintained in a separate escrow account.

- (b) The account shall be approved by the department and shall be established in a financial institution doing business in this state or in another state whose laws require the account to be maintained in that state.
- (c) Monthly progress reports shall be furnished to the department by the community for a new project for the first 6 months and, in the department's discretion, quarterly or semiannually after the first 6 months.
- (d) The trust or escrow agreement shall state that its purpose is to protect the resident or prospective resident if the community fails to complete the construction of promised optional improvements. The trust or escrow agreement also shall authorize the department to inspect the records of the trustee relating the agreement.

R 125.2005 Leases; refusal; terms; security deposits; inventory checklists.

Rule 1005. (1) A written lease shall be offered for each home site at the beginning of tenancy. The lease shall conform to the procedures in 1972 PA 348, MCL 554.601 et seq. and 1978 PA 454, MCL 554.631 et seq.

(2) If a resident refuses the lease offered at the beginning of tenancy, then the community shall require a written statement of refusal. The refusal is not a waiver of any of the resident's rights as guaranteed by law.

(3) A community shall not charge a premium for a lease.

(4) If a community requires a resident or prospective resident to prove ownership of a newly acquired home as a condition of siting the home in the community, then the resident or prospective resident may satisfy the requirement by providing a photocopy of a validated signed application for a certificate of manufactured home ownership.

(5) A community may allow a retailer, consumer, or lending institution to pay rent on a home site in the community before placing a home on the home site if the action does not result in a closed community. The home site that is rented is unavailable for rental to another retailer, consumer, or lending institution.

(6) A community may allow a retailer, consumer, or lending institution to place a home on a home site before the sale of the home. The home site upon which the home is placed is unavailable for the placement of another home.

(7) A community shall provide its permission for a sale in the community and on the home site and its acceptance of a prospective purchaser as a resident in writing, if requested.

(8) A security deposit received by a community shall be maintained in compliance with 1972 PA 348, MCL 554.601 et seq.

(9) If a community requires a security deposit, then the community shall utilize an inventory checklist at the beginning and termination of the tenancy to determine damages. The community shall comply with 1972 PA 348, MCL 554.601 et seq.

R 125.2005a Buyer's and resident's handbook.

Rule 1005a. A manufactured home buyer's and resident's handbook shall be provided by retailers to home purchasers at the time a purchase agreement is executed and by communities to prospective residents at the time an application for residency is signed. The department shall furnish all communities and retailers with sufficient copies of the handbook.

R 125.2006 Community rules; provision of community rules to prospective and existing residents; community rule changes; rent charges.

Rule 1006. (1) The community shall provide each prospective and existing resident with a copy of the community rules. The resident shall execute a written receipt for the community rules.

- (2) The community shall provide proposed changes to the community rules to each resident not less than 30 days before the date on which the changes become effective.
- (3) Community rules shall not do any of the following:
 - (a) Prohibit “For Sale” signs.
 - (b) Require “For Sale” signs to be less than 18 inches by 24 inches.
 - (c) Prohibit or restrict the placement of up to 2 “For Sale” signs in the windows of or on a home.
 - (d) Require a home to meet a construction standard other than that to which it was built in order to be sold in the community.
 - (e) Require tires to be present if a home is to be sold in the community.
- (4) The community shall post, in a conspicuous place in the community office, a detailed list of current rent ranges and a detailed list of any other charges that are added to the base rent which establish the monthly rental amount that a resident is to pay.
- (5) A community rent structure shall be in compliance with 1976 PA 453, MCL 37.2502 and 37.2503.

R 125.2006a Water meter installation disclosure.

Rule 1006a. If the community converts its water metering to individual site metering, then the community shall notify each resident, in writing, not less than 30 days before meter installation. The disclosure shall include, but not be limited to, all of the following items:

- (a) The water and sewer rate per thousand gallons or in the units measured by the meter.
 - (b) All additional charges.
 - (c) Minimum fees.
 - (d) Shutoff procedures.
 - (e) Installation procedures.
 - (f) Payment procedures, including the billing period and due dates and a requirement that bills include beginning and ending meter readings and total usage.
 - (g) Rate change procedures.
 - (h) A list of items furnished and maintained by the community.
 - (i) A statement that the community shall furnish a new heat tape and shall maintain it for 1 year.
- The information shall be included in the community rules.

R 125.2006b Resident-provided utility service.

Rule 1006b. If the community resident provides any utility service that results in common community use, then the community shall disclose the charge to all affected residents.

R 125.2007 Accounts and records; maintenance; inspections; retention.

Rule 1007. (1) The community shall maintain all the following accounts and records at the community office or at a central office for 4 years:

- (a) A copy of the lease for each resident or a copy of the statement of refusal signed by the resident.
- (b) A copy of the inventory checklists for each resident.
- (c) A copy of the resident receipt for community rules.
- (d) A record of the rent receipts for each resident.
- (e) If security deposits are required, then a current and accurate record system of security deposits received and disbursed upon termination of tenancy for each home or home site, or both.
- (f) A current and accurate record of the community residents, which shall include all of the following information:
 - (i) Name of each resident and member of the resident’s household, if applicable.
 - (ii) Home site number.
 - (iii) Date of tenancy.

(iv) Date of termination.

(2) All accounts and records that are required to be maintained by these rules shall be available for inspection by an authorized representative of the department during normal business hours.

(3) Unless otherwise provided for by law, these or other rules, or local ordinances that require a longer retention period, the following accounts and records shall be maintained for a period of 4 years after tenancy termination:

(a) A copy of the resident's most recent lease or rental agreement or the resident's lease refusal statement.

(b) A copy of the final inventory checklist for each resident.

(c) A copy of the resident's most recent receipt for community rules.

(d) A resident's file.

R 125.2009 Community owner or operator; prohibited practices.

Rule 1009. A community owner or operator shall not do any of the following:

(a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.

(b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for an unlicensed person.

(c) Allow one's license to be used by an unlicensed person.

(d) Be acting as a licensed retailer for an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

(e) Use age or size, either separately or in combination, as a sole basis for refusing to allow the sale of a home in the community and on the home site.

(f) Prohibit a resident from using a licensed retailer of the resident's choice to sell his or her home in the community.

(g) Prohibit the installation, in compliance with federal law, of a satellite dish on a home.

(h) Prohibit political yard signs. Political yard signs means "campaign signs demonstrating a position on candidates for publicly elected offices or proposals for public election."

(i) Require political yard signs to be less than 18 inches by 24 inches.

(j) Prohibit or restrict the placement of up to 2 political yard signs per site.

(k) Restrict the display duration of political yard signs when they are in compliance with the local government ordinance, for a period beginning 4 weeks before and, 1 week after a governmental election.

ADMINISTRATIVE RULES

ORR # 2002-030

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

PUBLIC SERVICE COMMISSION

GAS SAFETY

Filed with the Secretary of State on July 22, 2003.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the public service commission by section 2 of 1969 PA 165, MCL 483.152)

R 460.20201, R 460.20401, R 460.20402, R 460.20403, R 460.20404, R 460.20405, R 460.20502, R 460.20601, R 460.20602, R 460.20603, R 460.20604, R 460.20605, and R 460.20606 of the Michigan Administrative Code are amended, and R 460.20406, R 460.20407, R 460.20408, R 460.20409, R 460.20410, R 460.20411, R 460.20412, R 460.20413, R 460.20414, R 460.20415, R 460.20416, R 460.20417, R 460.20418, R 460.20419, R 460.20420, R 460.20421, R 460.20422, R 460.20423, R 460.20424, R 460.20425, R 460.20426, R 460.20427, R 460.20428, R 460.20429, R 460.20430, and R 460.20431 are added, as follows:

PART 2. SAFETY STANDARDS AND TESTING REQUIREMENTS

R 460.20201 Pipeline safety standards; adoption by reference.

Rule 201. (1) Except for 49 C.F.R. §192.1, an operator shall ensure that a gas pipeline is in compliance with all of the minimum safety standards contained in 49 C.F.R. part 192 entitled “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” which are adopted by reference in R 460.20606.

(2) An operator shall ensure that a pipeline which is subject to the standards specified in subrule (1) of this rule is also in compliance with all of the additional safety standards contained in R 460.20301 to R 460.20331.

(3) In addition to the requirements imposed by subrules (1) and (2) of this rule, an operator shall ensure that a pipeline which transports sour gas is also in compliance with the additional safety standards contained in R 460.20401 to R 460.20431.

PART 4. SOUR GAS PIPELINES

R 460.20401 Scope; conversion of existing pipeline to sour gas service.

Rule 401. (1) The rules in this part are additional requirements for the design, fabrication, installation, inspection, testing, and safety aspects of the operation and maintenance of gas pipeline facilities used in the transportation of sour gas.

(2) Operators of pipeline facilities used for the transportation of sour gas that are under the jurisdiction of the commission shall meet all of the requirements in parts 2, 3, and 5 of these rules, all of the

requirements in 49 C.F.R. Part 192, which is adopted by reference in R 460.20606, and all of the additional requirements in this part.

(3) Existing pipeline facilities not designed and built for the transportation of sour gas shall not be converted for use in the transportation of sour gas without prior review and approval of the commission.

R 460.20402 Materials for pipe and components; requirements.

Rule 402. In addition to the requirements set forth in 49 C.F.R. §192.55, which is adopted by reference in R 460.20606, metallic materials for pipe and other components used to transport sour gas shall meet the requirements set forth in the national association of corrosion engineers international standard NACE MR0175-2002, which is adopted by reference in R 460.20605.

R 460.20403 Steel pipe; design formula.

Rule 403. In addition to the requirements set forth in 49 C.F.R. §192.105 through §192.115, which are adopted by reference in R 460.20606, steel pipe designed for use in the transportation of sour gas shall use a design factor of 0.40.

R 460.20404 Purging of sour gas pipelines; plan; personnel.

Rule 404. In addition to satisfying the requirements set forth in 49 C.F.R. §192.629, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with both of the following provisions:

(a) The purging of sour gas from a pipeline shall be accomplished by burning or by equivalent control of H_2S .

(b) All purging and blowing down of sour gas pipelines shall be done in accordance with a written plan. The plan shall include public and operator personnel safety and environmental protection considerations. Properly equipped personnel who are trained and familiar with the potential hazards of sour gas shall perform all purging and blowing down operations.

R 460.20405 Valves; qualification for sour gas service.

Rule 405. An operator shall ensure that valves to be used for sour gas service are qualified for sour gas service in accordance with the provisions of the national association of corrosion engineers international standard MR0175-2002, which is adopted by reference in R 460.20605.

R 460.20406 Compressor station; emergency shutdown.

Rule 406. In addition to the requirements set forth in 49 C.F.R. §192.167(a)(2), which is adopted by reference in R 460.20606, if there is an emergency shutdown, all gas released from sour gas pipeline facilities shall be flared in a manner that minimizes the danger to the general public.

R 460.20407 Sectionalizing block valves.

Rule 407. In addition to the requirements set forth in 49 C.F.R. §192.179, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with all of the following requirements for any portion of the pipeline that contains more than 10 pounds of H_2S per mile, with the weight calculated according to the formula $W=0.0933(P)(V)(MW)(H)/T$, where W=Weight of H_2S in pounds per mile of pipe, P=Absolute pressure in pounds per square inch, V=Volume of one mile of pipe in cubic feet, mw=Molecular weight of natural gas, H=Percentage of H_2S in the gas, and T=Temperature in degrees rankline:

(a) Sectionalizing block valves shall be installed and located so that each point on the pipeline is within 3 miles of a sectionalizing block valve with a block valve located at each end of the pipeline.

- (b) A pipeline shall incorporate block valve automation so that block valves will automatically close upon the registering of low pressure readings. The system shall be designed to operate even in the event of a power failure or malfunction of electronic devices and shall be designed to fail in a closed position.
- (c) A pipeline shall incorporate a supervisory control and data acquisitions (SCADA) system that is in compliance with all of the following provisions:
 - (i) Is monitored by the operator to ensure appropriate response to emergencies.
 - (ii) Is programmed to automatically close block valves based on operating data gathered at each metering site and at each automated block valve.
 - (iii) Automatically closes the upstream and downstream sectionalizing block valves surrounding any sectionalizing block valve that is in an alarm condition.
 - (iv) Allows the operator monitoring the SCADA system to close, but not open, any or all of the block valves and metering points.
- (d) H₂S sensors shall be located at all sectionalizing block valve sites. The sensors shall provide a warning to the SCADA system at H₂S levels of 10 ppm and shall close the block valve at H₂S levels of 30 ppm.
- (e) Control valves shall be installed at appropriate locations at well sites or laterals to automatically shut off the flow of gas into the pipeline in the event of a line break or over pressure condition.

R 460.20408 Qualification of welding procedures.

Rule 408. In addition to the requirements set forth in 49 C.F.R. §192.225, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall use welding procedures that conform to the welding provisions of the national association of corrosion engineers international standard NACE MR0175-2002, which is adopted by reference in R 460.20605.

R 460.20409 Inspection and testing of welds.

Rule 409. In addition to the requirements set forth in 49 C.F.R. §192.241, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall engage in nondestructive testing of 100% of all girth butt welds. Nondestructive testing of welds shall be performed by any process that clearly indicates all defects in the welds.

R 460.20410 Threaded joints.

Rule 410. In addition to the requirements set forth in 49 C.F.R. §192.273, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall not use threaded joints to join any sections or other components of a buried pipeline.

R 460.20411 Repair of steel pipe.

Rule 411. In addition to the requirements set forth in 49 C.F.R. §192.309, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall remove any imperfection or damage discovered during construction that impairs the serviceability of a length of steel pipe by cutting out the damaged portion of the pipe as a cylinder and replacing it with an undamaged piece of pipe which meets or exceeds the specifications of the original pipe.

R 460.20412 Strength test requirements.

Rule 412. In addition to the requirements set forth in 49 C.F.R. §192.505, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall pressure test in place all sour gas pipelines to not less than 2 times their maximum allowable operating pressure (MAOP) for not less than 8 hours.

R 460.20413 Underground clearances.

Rule 413. In addition to the requirements set forth in 49 C.F.R. §192.325, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall, if practical, install the pipeline with not less than 48 inches of clearance from all other underground structures not associated with the pipeline. If this clearance cannot be practicably attained, the pipeline shall be protected from damage that might result due to its proximity to the other structure or structures.

R 460.20414 Cover.

Rule 414. In addition to the requirements set forth in 49 C.F.R. §192.327, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with all of the following provisions:

- (a) Pipelines shall be buried, except where special conditions of usage necessitate above ground construction.
- (b) A buried pipeline shall be installed with a minimum cover of 48 inches.
- (c) When practical, a warning tape shall be installed not less than 12 inches directly above the pipeline, but not more than 36 inches below grade, for the purpose of warning excavators of the existence of the pipeline and the hazardous nature of sour gas.

R 460.20415 Pipeline location.

Rule 415. In addition to the requirements set forth in 49 C.F.R. §192.327, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with both of the following provisions:

- (a) A pipeline shall be routed to avoid class 3 and 4 locations, if practical.
- (b) Use of road rights-of-way shall be avoided, if practical.

R 460.20416 Internal corrosion control; generally.

Rule 416. In addition to the requirements set forth in 49 C.F.R. §192.475, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall not transport by pipeline any gas containing H₂S, unless the corrosive effect of the H₂S has been investigated and steps have been taken to minimize internal corrosion for the pipeline facilities.

R 460.20417 Internal corrosion control; monitoring.

Rule 417. In addition to the requirements set forth in 49 C.F.R. §192.477, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall use coupons or other suitable means to determine the effectiveness of the steps taken to minimize internal corrosion. Initially, each coupon or other means of monitoring internal corrosion shall be checked 4 times each calendar year, but with intervals of not more than 3 1/2 months until a monitoring schedule can be developed that will adequately identify internal corrosion. The monitoring schedule shall not exceed the schedule set forth in 49 C.F.R. §192.477.

R 460.20418 Remedial measures.

Rule 418. In addition to the requirements set forth in 49 C.F.R. §192.485, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall remove from service and replace every segment of a pipeline that has general corrosion resulting in a remaining wall thickness less than that required for the MAOP of the pipeline.

R 460.20419 Sour gas pipeline operating and maintenance plan; contents.

Rule 419. The plan required by 49 C.F.R. §192.605, which is adopted by reference in R 460.20606 and which shall be filed with the commission and updated as specified in R 460.20319, shall address all hazards inherent with the transportation of sour gas and shall contain plans and procedures to minimize the health risk to the operator's employees and the general public during normal operating conditions.

R 460.20420 Safety procedures for abnormal operating conditions.

Rule 420. The plan required by 49 C.F.R. §192.605, which is adopted by reference in R 460.20606 and which shall be filed with the commission and updated as specified in R 460.20319, shall also address the hazards inherent with the transportation of sour gas and shall include plans and procedures to minimize the health risk to the operator's employees and the general public during abnormal operating conditions.

R 460.20421 Damage prevention program.

Rule 421. In addition to the requirements set forth in 49 C.F.R. §192.614, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with both of the following provisions:

- (a) When notified by the "One-Call" system or by other means of possible excavation activity in the pipeline right-of-way, the pipeline operator shall monitor the excavation activity using on-site personnel.
- (b) When responding to requests to mark the pipeline location, the operator shall notify the excavator of the hazards inherent in the release of sour gas.

R 460.20422 Emergency procedures.

Rule 422. The plan required by 49 C.F.R. §192.615, which is adopted by reference in R 460.20606, shall address the hazards inherent with the transportation of sour gas and shall include plans and procedures to minimize the health risk to the operator's employees and the general public in the event of an emergency.

R 460.20423 Sour gas education programs.

Rule 423. In addition to the requirements set forth in 49 C.F.R. §192.616, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall establish continuing education programs that enable the public, appropriate government organizations, and persons engaged in excavation-related activities to accomplish both of the following:

- (a) Recognize a sour gas pipeline emergency for the purpose of reporting it to the operator or other appropriate public officials.
- (b) Take appropriate action in the event of an unplanned release of sour gas.

R 460.20424 Telephonic notice to the commission of sour gas leak.

Rule 424. In addition to each of the reporting requirements set forth in R 460.20503, an operator of pipeline facilities used in the transportation of sour gas shall, at the earliest practicable moment, but not more than 8 hours following the release of any quantity of sour gas that has the potential to harm the public, give telephonic notice to the commission staff of the release.

R 460.20425 Sour gas pipeline patrolling.

Rule 425. In addition to the requirements set forth in 49 C.F.R. §192.705, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall, at intervals of not more than 6 weeks but not less than 12 times each calendar year, patrol all pipelines that are used in the transportation of sour gas.

R 460.20426 Leakage surveys.

Rule 426. In addition to the requirements set forth in 49 C.F.R. §192.706, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall conduct leak surveys of those pipeline facilities using leak detection equipment at intervals of not more than 7 1/2 months, but not less than 2 times each calendar year, for all areas falling within the class 1 and class 2 location designations set forth in 49 C.F.R. §192.5, which is adopted by reference in R 460.20606.

R 460.20427 Line markers for sour gas pipelines.

Rule 427. In addition to the requirements set forth in 49 C.F.R. §192.707, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with both of the following provisions:

- (a) Line markers shall be placed and maintained as close as practical over a sour gas pipeline and shall clearly identify the pipeline as a carrier of sour gas.
- (b) Where practical, at least 1 line marker shall be visible from any location on the sour gas pipeline.

R 460.20428 Prohibition on temporary repairs.

Rule 428. (1) In addition to the requirements set forth in 49 C.F.R. §192.711, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall comply with all of the following provisions:

- (a) Temporary repairs are not allowed on pipeline facilities used in the transportation of sour gas.
 - (b) Sour gas pipeline facilities in need of repair shall be removed from service until permanent repairs can be made.
- (2) This rule does not prohibit emergency repairs solely designed to protect the operator's employees and the public from a release of sour gas.

R 460.20429 Permanent field repair of leaks.

Rule 429. In addition to the requirements set forth in 49 C.F.R. §192.717, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall perform a permanent field repair of a leak by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength which meets the design criteria for facilities used in the transportation of sour gas.

R 460.20430 Inspection of pressure-limiting and pressure-regulating stations.

Rule 430. In addition to the requirements set forth in 49 C.F.R. §192.739, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall inspect all pressure-limiting and pressure-regulating devices at intervals of not more than 7 1/2 months, but not less than twice each calendar year.

R 460.20431 Valve maintenance; sour gas pipelines.

Rule 431. In addition to the requirements set forth in 49 C.F.R. §192.745, which is adopted by reference in R 460.20606, an operator of pipeline facilities used in the transportation of sour gas shall inspect and partially operate each pipeline valve that might be required during an emergency at intervals of not more than 7 1/2 months, but not less than twice each calendar year.

PART 5. RECORDS AND REPORTS

R 460.20502 Reports.

Rule 502. (1) An operator or other person proposing to construct a gas metering or regulating facility, a gas treatment plant, a gas production plant, pipeline facilities to be used in the transportation of sour gas, a gas transmission line that has a maximum operating pressure that will result in a hoop stress of 30% or more of specified minimum yield strength, or a gas compressor station connected to any part of a transmission line shall, not less than 60 days before starting construction, file all of the following data with the commission:

- (a) A map showing the proposed route of the line on a scale not less than 3/8 of an inch to 1 mile.
 - (b) Engineering specifications covering the design, construction, materials, and testing and operating pressures.
 - (c) Certification that the facilities will be in compliance with the requirements of these rules.
- (2) An application for a certificate of public convenience and necessity filed under 1929 PA 9, MCL 483.101 et seq., meets the requirements of subrule (1) of this rule.
- (3) Within 60 days following the completion of construction and testing of facilities covered by subrules (1) and (2) of this rule, an operator shall file a report with the commission giving details of the test pressures applied and the dates of the tests, the results of the tests, including leaks and failures, and a route map of the “as-built” facility.

PART 6. ADOPTION OF STANDARDS

R 460.20601 Adoption by reference.

Rule 601. (1) The publications listed in R 460.20603 to R 460.20606 are adopted by reference and are a part of these rules, except where they are inconsistent with these rules. Publications identified as published by a specific organization are available from the organization at the addresses specified in R 460.20602. The public service commission also has copies of the publications available for inspection and distribution at cost at its offices located at 6545 Mercantile Way, Lansing, Michigan 48911. The mailing address is Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909.

(2) The numbers in parentheses following the publications adopted by reference indicate the applicable editions.

R 460.20602 Names, addresses, and phone numbers of organizations.

Rule 602. The names, addresses, and phone numbers of organizations that sponsor or publish documents that have been adopted by reference in these rules are as follows:

- (a) American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005, ((202) 682-8000).
- (b) American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, New York 10016-5990, ((212) 591-7000) or ((800) 843-2763), or contact its publishing division, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey, 07007, ((973) 882-1167).
- (c) National Association of Corrosion Engineers International (NACE), 1440 South Creek Drive, Houston, Texas 77084-4906, ((281) 228-6200).
- (d) Office of Pipeline Safety, Research and Special Programs Administration (OPS), 400 Seventh Street SW, Washington, DC 20590, ((202) 366-1640). To order a standard published in the Code of Federal Regulations (C.F.R.), contact the Government Printing Office, Superintendent of Documents, Attention: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954, ((202) 512-1800).

R 460.20603 American petroleum institute standard; adoption by reference.

Rule 603. The following American petroleum institute standard is adopted by reference in these rules and is available at the price listed:

API standard 1104 entitled “Welding of Pipelines and Related Facilities,” (19th edition, 1999), at a cost as of the time of adoption of these rules of \$188.00.

R 460.20604 American society of mechanical engineers standard; adoption by reference.

Rule 604. The following American society of mechanical engineers standard is adopted by reference in these rules and is available at the price listed:

ASME boiler and pressure code, section IX, entitled “Welding and Brazing Qualifications,” (2001 edition), at a cost as of the time of adoption of these rules of \$295.00.

R 460.20605 National association of corrosion engineers international standard; adoption by reference.

Rule 605. The following national association of corrosion engineers international standard is adopted by reference in these rules and is available at the price listed:

NACE MR0175-2002 entitled “Sulfide Stress Cracking Resistant Materials for Oilfield Equipment,” (2002 edition), at a cost as of the time of adoption of these rules of \$65.00 or, if a member, \$57.00.

R 460.20606 Office of pipeline safety, research and special programs administration standards; adoption by reference.

Rule 606. (1) The following office of pipeline safety, research and special programs administration standard is adopted by reference in these rules and is available at the price listed:

49 C.F.R. part 40 entitled “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” (1998 edition), at a cost as of the time of adoption of these rules of \$31.00.

(2) The following office of pipeline safety, research and special programs administration standards are adopted by reference in these rules and are available at a cost as of the time of adoption of these rules of \$18.00 for a single volume that contains all of the standards:

(a) 49 C.F.R. part 191 entitled “Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-related Condition Reports,” (2001 edition).

(b) 49 C.F.R. part 192 entitled “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” (2001 edition).

(c) 49 C.F.R. part 199 entitled “Drug and Alcohol Testing,” (2001 edition).

ADMINISTRATIVE RULES

ORR # 2003-001

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF WORKERS' & UNEMPLOYMENT COMPENSATION

YOUTH EMPLOYMENT STANDARDS

Filed with the Secretary of State on July 22, 2003.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the bureau of workers' and unemployment compensation by section 20 of 1978 PA 90 and Executive Reorganization Order Nos. 1996-2, 1997-12, and 2002-1, MCL 409.120, 445.2001, 421.94, and 445.2004)

R 408.6202, R 408.6203, R 408.6208, R 408.6302, R 408.6303, and R 408.6304 of the Michigan Administrative Code are amended.

PART 2. HAZARDOUS OCCUPATIONS IN GENERAL EMPLOYMENT

R 408.6202 Employment in hazardous occupations prohibited; deviation from rules.

Rule 202. (1) A minor shall not be employed in any of the occupations declared to be hazardous by this part.

(2) Deviations from these rules may be granted by the director of the department or his or her designee when it is determined to be in the best interests of the minor and the community.

R 408.6203 Definitions; A to E.

Rule 203. As used in this part:

- (a) "Act" means 1978 PA 90, MCL 409.101 et seq.
- (b) "Clay construction products" means all of the following:
 - (i) Brick.
 - (ii) Hollow structural tile.
 - (iii) Sewer pipe and kindred products.
 - (iv) Refractories.
 - (v) Other clay products, such as any of the following:
 - (A) Architectural terra cotta.
 - (B) Glazed structural tile.
 - (C) Roofing tile.
 - (D) Stove lining.
 - (E) Chimney pipes and tops.
 - (F) Wall coping.
 - (G) Drain tile.

(c) "Confined space" means an enclosed area which does not have a natural or mechanically induced supply of fresh air, including all of the following:

- (A) A bin.
- (B) A tank.
- (C) A vessel.
- (D) A vault.
- (E) A well.

(d) "Construction operation" means the work performed in major groups

15, 16, and 17 of the standard industrial classification (SIC) manual, United States bureau of the budget, 1972 edition. Major groups 15, 16, and 17 of the standard industrial classification (SIC) manual, United States bureau of the budget, 1972 edition, are adopted by reference and may be inspected at the Lansing office of the department. The SIC manual may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. , at a cost of \$24.00. Major groups 15, 16, and 17 of the SIC manual are available for inspection at, or may be purchased from the Michigan Department of Consumer & Industry Services, Bureau of Workers' & Unemployment Compensation, 7150 Harris Drive, P.O. Box 30015, Lansing, MI 48909, at a cost of \$2.00.

(e) "Crane" means a power-driven machine which is for lifting and lowering a load and moving it horizontally and in which the hoisting mechanism is an integral part of the machine.

(f) "Derrick" means a power-driven apparatus consisting of a mast or equivalent members held at the top by guys and braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

(g) "Department" means the department of consumer & industry services.

(h) "Director" means the director of the department or his or her authorized representative.

(i) "Elevator" means any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. This includes both passenger and freight elevators, but does not include dumbwaiters.

(j) "Employ" means engage, permit, or allow to work.

(k) "Employer" means a person, firm, or corporation which employs a minor and includes the state or a political subdivision of the state, an agency or instrumentality of the state, and an agent of an employer.

(l) "Exempt" means employment or services performed that are not covered by these rules.

(m) "Explosives" or "articles containing explosive components" means any chemical compound, mixture, or device, the primary purpose of which is to function by explosion; that is, substantially instantaneous decomposition with the release of heat and gas. Explosives include all of the following:

- (i) Ammunition.
- (ii) Black powder.
- (iii) Blasting caps.
- (iv) Blasting agents.
- (v) Fulminate of mercury.
- (vi) Fireworks.
- (vii) Detonating primers.
- (viii) Dynamite.
- (ix) Lead azide.
- (x) Nitroglycerin.
- (xi) Picric acid.
- (xii) Smokeless powder.

R 408.6208 Prohibited occupations; construction; excavation; roofing; wrecking; demolition; shipbreaking operations; working with explosive materials, hazardous substances, radioactive

substances, respiratory equipment; working in a confined space; machine operation and maintenance; operating special equipment; working with power-driven hoisting apparatus; occupations requiring use of motor vehicle.

Rule 208. (1) A minor less than 16 years of age shall not be employed in any occupations in a construction operation, as defined in R 408.6203(d), to include repair or the cleanup of a construction site.

(2) A minor shall not be employed in any occupation involving construction work; additions; improvements; excavating; highway, bridge, and street construction; roofing, as defined in R 408.6203(d), or wrecking; demolition; or shipbreaking operations.

(3) A minor shall not be employed in any occupation in or about plants or establishments which manufacture or store explosive materials or articles containing explosive materials, as defined in R 408.6203(m), including ammunition exceeding .60 caliber in size, except where both of the following criteria are met:

(a) None of the work performed in the area involves the mixing, transportation, handling, or use of explosive materials.

(b) The minor's work area is separated from the hazardous area by the distance prescribed for inhabited buildings in table 1, or the minor's work area is separated from the hazardous area by an earthen bank not less than 8 feet in height.

(4) Table 1 reads as follows:

Distances for Storage of Explosives

Explosives g
b,c,d,e

Distance in feet when storage is barricaded

Pounds Over	Pounds not over	From inhabited building	From passenger railways	From public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33

800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	390	275	87
14,000	15,000	900	405	280	90
15,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255

170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

Notes to Table

Note a. All types of blasting caps in strengths through No. 8 shall be rated at 1 1/2 (0.68 kg) of explosives per 1,000 caps.

Note b. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or building, or to a point 12 feet (3.66 m) above the center of a railway or highway, will pass through such intervening or artificial barricade.

Note c. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet (0.92 m).

Note d. "Natural barricade" means natural features of the ground, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Note e. When a building containing explosives is not barricaded, the distances shown in Table 1 shall be doubled.

Note f. When 2 or more storage magazines are located on the same property, each magazine shall comply with minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they shall be separated from each other by not less than the distances shown for "Separation of magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of the cap magazines from magazines containing other explosives. If any 2 or more magazines are separated from each other by less than the specified "Separation of magazines" distances, then such 2 or more magazines, as a group, shall be considered as 1 magazine, and the total quantity of explosives stored in such group shall be treated as if stored in a single magazine located on the site of any magazine of the group and shall comply with the distances specified from other magazines, inhabited buildings, railways, and highways.

Note g. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to the transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

Note h. 1 pound = 0.454 kg; 1 foot = 0.305 m.

(5) A minor shall not be employed in any occupation involving the use of or exposure to hazardous substances, as defined in R 408.6204(a).

(6) A minor shall not be employed to work in any workroom in which any of the following occurs:

(a) Radium is stored or used in the manufacture of self-luminous compounds.

(b) A self-luminous compound, as defined in R 408.6205(h), is made, processed, packaged, stored, used, or worked on.

(c) Incandescent mantles made from fabric and solutions containing thorium salts are manufactured, processed, or packaged.

(d) Other radioactive substances are present in the air in average concentrations exceeding 10% of the maximum permissible concentrations in the air recommended for occupational exposure as set forth in the 40-hour week column of table 1 of the national council on radiation protection report no. 22, entitled, "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupation Exposure," June 5, 1959, issue, which is adopted herein by reference in these rules and is available for inspection at the Lansing office of the department of labor. This report may be purchased from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Suite 400, Bethesda, MD 20814-3095, at the cost of \$20.00. Part 22 of this report may be obtained from the Michigan Department of Consumer & Industry Services, Bureau of Workers' & Unemployment Compensation, 7150 Harris Drive, P.O. Box 30015, Lansing, MI 48909, at a cost of \$3.00.

(7) A minor shall not be employed in any occupation which requires the use of respiratory equipment, as defined in R 408.6205(g).

(8) A minor under 16 years of age shall not be employed in any occupation involving work in a confined space, as defined in R 408.6203(c).

(9) A minor shall not be employed in any occupation involving the operations, setup, repair, adjustment, oiling, or cleaning of any of the following machines:

(a) Power-driven woodworking machinery, as defined in R 408.6205(e).

(b) Power-driven metal-forming, metal-punching, and metal-shearing machines, as defined in R 408.6205(c).

(c) Power-driven bakery machines, as defined in R 408.6205(a).

(d) Power-driven paper products machinery, as defined in R 408.6205(d).

(e) Power-driven saws.

(f) Power-driven meat-processing machines, as defined in R 408.6205(b).

(10) A minor shall not operate, or assist in the operation of, including the starting, stopping, adjusting, feeding, or any other activity involving physical contact with, any of the following machines:

(a) Trencher or earth-moving equipment.

(b) Tractors exceeding 20 power-take-off horsepower, including connecting or disconnecting an implement or any of its parts to or from such a tractor; except that minors 16 to 17 years of age who are provided operating instructions from their employers may operate such tractors.

(11) A minor shall not be employed in work which involves any of the following activities:

(a) The operation of a power-driven hoisting apparatus, including an elevator, power industrial truck, crane, derrick, or hoist, except for the operation of an unattended automatic operation passenger elevator. An employer may apply for a deviation for 16- and 17-year-old minors to operate a motorized hand truck and low-lift platform truck, as defined in R 408.6204(c) and (f), in accordance with R 408.6303.

(b) Riding on a manlift or on a freight elevator, except for a freight elevator which is operated by an assigned operator.

(c) Assisting in the operation of a crane, derrick, or hoist as traditionally performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and similar occupations.

(12) A minor under 16 years of age shall not work under equipment or machinery which has been elevated by a hoist, jack, blocks, or hydraulic power system.

(13) A minor shall not be employed in any occupation which requires the operation of a motor vehicle on any public road or highway, except when such operation is occasional and incidental to the minor's primary work activities and if all of the following requirements are complied with:

(a) The gross vehicle weight does not exceed 6,000 pounds.

(b) The operation is restricted to daylight hours.

- (c) The minor holds a state license valid for the type of motor vehicle operation involved in the job performed and has completed a state-approved driver education course.
- (d) The vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each minor that such belts or other devices must be used.
- (e) The operation does not involve the transporting of passengers or the towing of vehicles.
- (14) A minor shall not be employed as an outside helper on any motor vehicle on a public highway.

PART 3. DEVIATIONS FROM ESTABLISHED STANDARDS OR FROM LEGAL HOURS OF EMPLOYMENT FOR 16- AND 17-YEAR-OLD MINORS

R 408.6302 Application for deviation from legal hours of employment.

Rule 302. (1) An application for a deviation from the legal hours of employment shall be filed by an employer seeking to employ minors 16 and older beyond the hours prescribed in the act. An application for a deviation from legal hours of employment shall be submitted to the Michigan Department of Consumer & Industry Services, Bureau of Workers' & Unemployment Compensation, 7150 Harris Drive, Lansing, Michigan 48909.

(2) An application for a deviation shall include all of the following information:

- (a) The name and address of the employer.
- (b) The name and title of the person filing the application.
- (c) An indication of the work schedule for hours to be worked before 6 a.m. and beyond 10:30 p.m. when school is in session and before 6 a.m. and beyond 11:30 p.m. when school is not in session.
- (d) The address where the work is to be performed.
- (e) A statement of the type of business.
- (f) Verification that all of the following shall be maintained by the employer:
 - (i) Written permission of the parent or guardian for the minor to work the hours requested.
 - (ii) Records certifying that the combined school and work week does not exceed 48 hours when school is in session and that work hours do not exceed 48 hours when school is not in session.
 - (iii) A written statement from the school the minor attends verifying the number of hours the minor is in school.

R 408.6303 Application for deviation from hazardous occupation standards.

Rule 303. (1) An application for a deviation from a hazardous occupation shall be filed by an employer seeking to employ minors 16 years and older in an occupation determined to be hazardous. An application for a deviation for a hazardous occupation shall be submitted to the Michigan Department of Consumer & Industry Services, Bureau of Workers' & Unemployment Compensation, 7150 Harris Drive, Lansing, Michigan 48909.

(2) An application for a deviation shall include all of the following information:

- (a) The name and address of the firm.
- (b) The name and title of the person filing the application.
- (c) The name, address, and date of birth of the minor.
- (d) The school the minor is attending, if the minor is attending school.
- (e) The address where the work is to be performed.
- (f) A specification of the standard, or portion thereof, from which the applicant seeks a deviation.
- (g) A statement of the type of business.
- (h) A statement detailing how the granting of the deviation will be in the best interests of the minor. The statement may include, but is not limited to, an indication that the minor is not attending school or that the request is based upon a family hardship.

- (i) A statement indicating any training the minor has received in the proposed type of employment, including a copy of the certification of successful completion of the training program if certification was given.
- (j) The maximum hours to be worked on a daily and weekly basis.
- (k) A statement of how the safety, health, and personal well-being of the minor will be protected, including an assurance that all safety and health standards will be abided by and be enforced by the employer.
- (l) The written approval of the parent or guardian.

R 408.6304 Effect of deviation.

Rule 304. A deviation shall take effect on the date issued.

ADMINISTRATIVE RULES

ORR #2003-002

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF WORKERS' & UNEMPLOYMENT COMPENSATION

PAYMENT OF WAGES AND FRINGE BENEFITS

Filed with the Secretary of State on July 22, 2003.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the bureau of workers' and unemployment compensation by sections 9 and 12 of 1978 PA 390 and Executive Reorganization Order Nos. 1996-2, 1997-12, and 2002-1, MCL 408.479, 408.482, 445.2001, 421.94, and 445.2004)

R 408.9002, R 408.9012 and R 408.9019 of the Michigan Administrative Code are amended.

R 408.9002 Definitions; A to D.

Rule 2. (1) As used in these rules:

(a) "Act" means 1978 PA 390, MCL 408.471 et seq., and known as the payment of wages and fringe benefits act.

(b) "Complainant" means any person who submits a signed complaint alleging a violation of the act and who provides the information required by the department.

(c) "Department" means the department of consumer and industry services.

(d) "Voluntary payment in full" means either of the following:

(i) Payment of wages and fringe benefits claimed before the issuance of a departmental determination.

(ii) Payment of the full amount of wages and fringe benefits due, plus the 10% per annum penalty and any exemplary damages assessed within 14 days of the date of the determination. If the last day of the 14-day period is a Saturday, Sunday, or a state holiday, then that day is excluded and the period extends until the end of the next day that is not a Saturday, Sunday, or state holiday.

(2) As used in the act:

(a) "An employee employed in a bona fide administrative capacity" means an employee who is compensated on a salary basis at not less than \$250.00 per week and whose primary duty is nonmanual work directly related to management policies of the general business operations or performing functions in the administration of an educational institution.

(b) "An employee employed in a bona fide executive capacity" means an employee to whom all of the following provisions apply:

(i) Compensation is on a salary basis at not less than \$250.00 per week.

(ii) The employee's primary duty is management.

(iii) The employee supervises 2 or more employees.

(c) "An employee employed in a bona fide professional capacity" means an employee who is compensated on a salary basis at not less than \$250.00 per week and whose primary duty is any of the following:

- (i) Work in a field of science or learning that requires knowledge acquired by a prolonged course of specialized instruction.
- (ii) Work in a recognized field of artistic endeavor that depends upon the talent of the employee.
- (iii) Work in an educational institution as a teacher, tutor, instructor, or lecturer.
- (d) "Bonus" means a premium or extra or irregular remuneration in addition to wages that is awarded to an employee under a written contract or written policy.
- (e) "Director" means the director of the department or his or her authorized representative.
- (f) "Informally resolve" means any of the following:
 - (i) Voluntary payment in full as defined in R 408.9002.
 - (ii) A settlement agreement as described in R 408.9026.
 - (iii) Withdrawal of the complaint as described in R 408.9027.

R 408.9012 Statement of hours worked and pay earned.

Rule 12. An employer shall furnish each employee with a statement of the information required by section 9(2) of the act in a retainable form.

R 408.9019 Acceptance of complaints by the department.

Rule 19. The department shall accept a complaint form or other statement which provides all of the following information:

- (a) Name and address of complainant.
- (b) Name and address of employer who is alleged to have committed the violation.
- (c) The date or dates the violation is alleged to have occurred.
- (d) An estimate of the amount of wages or fringe benefits claimed.

ADMINISTRATIVE RULES

ORR # 2003-018

MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CHILD DAY CARE LICENSING - CHILD CARE CENTERS

Filed with the Secretary of State on July 22, 2003.

This rule takes effect on September 1, 2003

(By authority conferred on the director of the Department of Consumer and Industry Services by section 2 of 1973 PA 116, section 9 of 1965 PA 380, Executive Reorganization Order No. 1996-2, MCL 722.112, 16.109, and 445.2001)

R 400.5106 of the Michigan Administrative Code is amended as follows:

R 400.5106 Program.

Rule 106. (1) A center implement a developmentally appropriate program which shall include all of the following areas:

- (a) Physical development, including large and small muscle activities.
- (b) Social development, including communication skills.
- (c) Emotional development, including positive self-concept.
- (d) Intellectual development.

(2) The center shall provide the following activities daily:

- (a) Quiet and active.
 - (b) Individual, small groups, and large groups.
 - (c) Large and small muscle.
 - (d) Child initiated and staff initiated.
 - (e) Not less than 30 minutes of developmentally appropriate emergent literacy activities.
- (3) The center shall prepare for the week a daily guide relating to the program and each age group. The center shall post the guide in a conspicuous place or otherwise make it available to parents.
- (4) A center shall permit parents to visit the program for the purpose of observing their children at all times.
- (5) A center operating with children in attendance for 5 or more continuous hours per day shall provide for daily outdoor play, unless prevented by inclement weather conditions.
- (6) A center shall provide each child under school age in attendance for 5 or more continuous hours a day with an opportunity to rest.
- (7) A center shall provide children less than 3 years of age with an opportunity to rest, regardless of the number of hours in care.
- (8) A center shall permit children under 12 months of age to eat and sleep on demand.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-050

DEPARTMENT OF MANAGEMENT AND BUDGET

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

GENERAL RULES

Filed with the Secretary of the state on

This rule takes effect 7 days after filing with the Secretary of State.

(By authority conferred on the public school employees retirement board by section 25(2) of Act No. 300 of the Public Acts of 1980, as amended, being S38.1325(2) of the Michigan Compiled Laws)

R 38.1205 of the Michigan Administrative Code is rescinded as follows:

PART 1. GENERAL PROVISIONS

~~R 38.1205 Rescinded. Rule 205. (1) In a contested case involving a denial of benefits or the termination or redetermination of benefits or rights, the system shall have the burden of proving, by a preponderance of the evidence, that grounds exist for the denial or termination or redetermination of such benefits or rights. (2) Except in the case of death of the retirant or retirement allowance beneficiary, where the system decides to terminate a monthly age and service or disability benefit granted pursuant to the provisions of section 81, 86, or 87 of the act, the retirant or retirement allowance beneficiary shall be notified in advance of the decision to terminate and the reasons therefor, and shall receive a statement of rights under the act and applicable rules to appeal such decision. If benefits granted under section 89 or 90 of the act are to be terminated, the decision of the system may be implemented 20 days following notice to the retirement allowance beneficiary. If benefits granted pursuant to section 81, 86, or 87 of the act are to be terminated, the benefits shall be continued if the retirant or retirement allowance beneficiary requests a hearing under R 38.1202 pending the conclusion of the hearing and action of the board subsequent to a recommendation for decision by the hearing officer. Following the decision of the board, its decision may be implemented. If the retirant or retirement allowance beneficiary dies, a decision of the system may be implemented. As set forth in section 88 of the act, the decision of the system may be implemented if a disability retirant refuses to submit to a medical examination. (3) Except in the case of death of the retirant or retirement allowance beneficiary, where the system decides to reduce, by more than 10%, a monthly age and service or disability benefit granted pursuant to the provisions of section 81, 86, or 87 of the act, the retirant or retirement allowance beneficiary shall be notified in advance of the decision to reduce by more than 10% and the reasons therefor, and shall receive a statement of rights under the act and applicable rules to appeal such decision. If benefits granted under section 89 or 90 of the act are to be reduced by more than 10%, the decision of the system may be implemented 20 days following notice to the retirement allowance beneficiary. If benefits granted pursuant to section 81, 86, or 87 of the act are to be reduced by more than 10%, the benefits shall be continued if the retirant or retirement allowance beneficiary requests a hearing under R 38.1202 pending the conclusion of the hearing and action of the board subsequent to a recommendation for decision by the hearing officer. Following the decision of the board, its decision may be implemented.~~

NOTICE OF PUBLIC HEARING

ORR # 2002-050

DEPARTMENT OF MANAGEMENT AND BUDGET

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

GENERAL RULES

The Michigan Public School Employees Retirement System will hold a public hearing on Thursday, August 21, 2003, from 9:00 a.m. to 11:00 a.m. The hearing will be held in Conference Room A, 1st Floor of the General Office Building, 7150 Harris Drive, Dimondale, Michigan.

The public hearing is being held to receive comments from interested persons on the rescission of R38.1205, which pertains to hearing procedures.

This rule is being rescinded under the authority of section 25(2) of Act No. 300 of the Public Acts of 1980, as amended, being section 38.1325(2) of the Michigan Compiled Laws. The rescission will become effective seven days after filing with the Secretary of State.

Hearing comments may be presented in person, with written comments available at the time of presentation. Comments may also be submitted by mail or FAX until August 29, 2003, at 5:00 p.m. Address communications to:

Office of Retirement Services
Public School Employees Retirement System – Rule Hearing
Attention: Chris DeRose, Executive Secretary to the Board
P.O. Box 30171
Lansing, MI 48909
or
FAX: 517 / 322-6145

All hearings are conducted in compliance with the 1990 Americans With Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Pam Ward at 517 / 322-6736 (voice) or 1-800-649-3777 (TTY) to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance.

Date: August 15, 2003

ORR # 2002-050

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The office of regulatory reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the office of regulatory reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The office of regulatory reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MEMORANDUM

DATE: July 11, 2003

TO: Brian Devlin, Director
DMB, Office of Regulatory Affairs

FROM: Norene Lind, Regulatory Affairs Officer
MDCIS, Office of Policy and Legislative Affairs

SUBJECT: Request for Correction of Michigan Administrative Code
R 408.44501 et seq., pursuant to Administrative Procedures Act,
Section 56(1), MCL 28.256

Construction Safety Standard Part 45. Fall Protection,
filed September 3, 1996

The Department of Consumer & Industry Services, Bureau of Safety & Regulation, as promulgating agency, is writing to request that the Office of Regulatory Reform exercise its discretion to correct an obvious error in the Michigan Administrative Code, pursuant to Administrative Procedures Act, Section 56(1), MCL 28.256.

The error is contained in rule set R 408.44501 et seq. titled Part 45. Fall Protection. This rule as viewed on the Office of Regulatory Reform's website has an error in the title. The title erroneously states **Part 42.** as the part number. It should read as **Part 45.**

Currently reads: Part 42. Fall Protection
Should read: Part 45. Fall Protection

Please note this correction in the Michigan Register and the Michigan Administrative Code. If you have any questions about this transmittal, you may contact me at 517.241.4146.

cc: Agency Liaison, Marsha Parrott-Boyle

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

Mr. Brian D. Devlin, Director
Office of Regulatory Reform
Department of Management and Budget
Ottawa Building – First Floor
611 West Ottawa
Lansing, Michigan 48933-1070

Dear Mr. Devlin:

SUBJECT: Request for correction of Michigan Administrative Code R 436.1041 (ORR #2002-033CI) “General” rules pursuant to Administrative Procedures Act, Section 56(1), MCL 28.256.

The Michigan Liquor Control Commission, as promulgating agency, is writing to request that the Office of Regulatory Reform exercise its discretion to correct obvious errors in the Michigan Administrative Code, pursuant to Administrative Procedures Act, Section 56(1), MCL 28.256.

Rule 436.1041 was filed with the Secretary of State on May 22, 2003, ORR #2002-033CI, effective May 30, 2003. The certified version of the rule filed with the Office of the Great Seal contains an obvious error in that it was drafted with an incorrect citation. Rule 436.1041(3)(a) currently reads:

“(3) The provisions of subrule (1) of this rule do not apply to persons approved by the commission and named on a participation permit issued to the licensee. Upon written request of the licensee, the commission may issue a participation permit to a licensee who meets all of the following qualifications: (a) the non-licensed person who receives use or benefit from the licensee’s license or who receives gross or net profits from a licensed business shall meet the same qualifications as a licensee as prescribed by **R 436.1101.**”

The language should read:

“(3) The provisions of subrule (1) of this rule do not apply to persons approved by the commission and named on a participation permit issued to the licensee. Upon written request of the licensee, the commission may issue a participation permit to a licensee who meets all of the following qualifications: (a) the non-licensed person who receives use or benefit from the licensee’s license or who receives gross or net profits from a licensed business shall meet the same qualifications as a licensee as prescribed by **R 436.1101 ET SEQ.**”

Enclosed is a revised copy of the above-referenced rules. Please note this correction in the Michigan Register and the Michigan Administrative Code.

Please contact me if you have any questions about this matter.

Sincerely,

Ken Wozniak
Commission Aide
Michigan Liquor Control Commission

Cc: Judith Allen, Chairwoman
Norene Lind

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

CONCEALED WEAPONS: Carrying of a pistol in a motor vehicle

FIREARMS:

CRIMINAL LAW:

A person licensed to carry a concealed pistol may lawfully occupy a motor vehicle in which a pistol has been left that belongs to another person who has exited the vehicle.

A person who is not licensed to carry a concealed pistol may lawfully occupy a vehicle in which a pistol has been left that is lawfully contained and that belongs to another person who has exited the vehicle, only if the occupant is not carrying the weapon, a determination that depends on the facts of each case.

Opinion No. 7136

July 30, 2003

Honorable Scott Shackleton
State Representative
The Capitol
Lansing, Michigan

You have asked two questions concerning the carrying of a pistol in a motor vehicle. You first ask if a person licensed to carry a concealed pistol may lawfully occupy a motor vehicle in which a pistol has been left that belongs to another person who has exited the vehicle in order to enter a weapon-free zone, such as a bank.

Section 227(2) of the Michigan Penal Code, MCL 750.227(2), makes it a crime to carry a pistol, whether concealed or otherwise, in a vehicle. Section 227(2) states, in pertinent part, as follows:

A person shall not carry a pistol concealed on or about his or her person, or, whether concealed or otherwise, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person, *without a license to carry the pistol as provided by law* and if licensed, shall not carry the pistol in a place or manner inconsistent with any restrictions upon such license. [Emphasis added.]

By its express terms, the criminal prohibition in section 227(2) does not apply to a person licensed to carry a pistol, provided that the pistol is carried in a manner or place consistent with any restriction upon that license. This conclusion is further supported by section 425c(2) of the Concealed Pistol Licensing Act, MCL 28.425c(2), which expressly authorizes a concealed pistol licensee to "[c]arry a pistol in a vehicle, whether concealed or not concealed, anywhere in this state." Moreover, section 231a(1)(a) of the Penal Code, MCL 750.231a(1)(a), provides that the prohibition against carrying a concealed pistol in a motor vehicle does not apply to a person holding a valid license to carry a concealed pistol, provided that the pistol is carried in conformity with any restrictions appearing on the license.¹

The primary rule of statutory construction is to effectuate the intent of the Legislature. *Wickens v Oakwood Healthcare System*, 465 Mich 53, 60; 631 NW2d 686 (2001). If the language of a statute is clear and unambiguous, it is assumed the Legislature intended its plain meaning to be enforced as written. *People v Stone*, 463 Mich 558, 562; 621 NW2d 702 (2001). Here, the statutes clearly provide that a person licensed to carry a concealed pistol is not subject to the prohibition against carrying a pistol in a motor vehicle, regardless of whether the pistol belongs to the licensee or another person.

It is my opinion, therefore, in answer to your first question, that a person licensed to carry a concealed pistol may lawfully occupy a motor vehicle in which a pistol has been left that belongs to another person who has exited the vehicle.

¹ This analysis is limited to consideration of a violation of MCL 750.227 only and assumes that the pistol is lawfully owned, inspected, and has not been used in the commission of a crime.

Your second question asks if a person who is not licensed to carry a concealed pistol may lawfully occupy a vehicle in which a pistol has been left that is lawfully contained,² and that belongs to another person who has exited the vehicle in order to enter a weapon-free zone, such as a bank.

As previously noted, MCL 750.227(2) generally prohibits a person from carrying a concealed pistol in a motor vehicle unless that person is licensed to carry a concealed pistol. MCL 750.231a(1) contains several exceptions to the prohibition. Subsection (d) exempts a person "while transporting a pistol for a lawful purpose that is licensed by the owner or occupant of the motor vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422, and the pistol is unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle."³ MCL 750.231a(1)(d). Subsection (e) applies to vehicles without trunks by requiring that the firearm not be readily accessible to the occupants of the vehicle. MCL 750.231a(1)(e).

Under the facts provided in your request, the passenger has remained in the vehicle with a properly stored pistol belonging to the driver. Under these facts, the exceptions contained in MCL 750.231a(d) and (e) are inapplicable since the passenger is not "transporting" the firearm. "To transport is to convey from one place or station to another" *People v Al-Saiegh*, 244 Mich App 391, 399; 625 NW2d 419 (2001).

Nonetheless, a violation of MCL 750.227(2) must be proven by evidence of the following: (1) that a weapon is present in a vehicle operated or occupied by the defendant; (2) that the defendant knew

² By using the term "lawfully contained," it is understood that the pistol left in the vehicle is either (1) unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle; or (2) unloaded in a closed case designed for the storage of firearms in a vehicle that does not have a trunk and is not readily accessible to the occupants of the vehicle. See MCL 750.231a(1)(d) and (e).

³ Section 2 of 1927 PA 372, MCL 28.422, provides the qualifications for the purchase of a pistol.

or was aware of its presence; and (3) that the defendant was "carrying" the weapon. *People v Courier*, 122 Mich App 88; 322 NW2d 421 (1982), citing *People v Butler*, 414 Mich 377; 319 NW2d 540 (1982). "Carrying" is an essential element that must be proven to establish a violation of the prohibition in section 227(2) and may not automatically be inferred from evidence that the defendant had knowledge that the weapon was present in the vehicle. *People v Emery*, 150 Mich App 657; 667; 389 NW2d 472 (1986).

The element of "carrying" depends on the particular facts of each case. It cannot be stated, as a definitive matter of law, what conduct constitutes carrying for the purposes of section 227(2). Nevertheless, Michigan courts have articulated several factors to be considered in resolving whether the essential element of "carrying" a weapon in a vehicle has been established. Factors that have been considered include: (1) the defendant's awareness of the weapon; (2) the accessibility or proximity of the weapon to the defendant; (3) the defendant's possession of items which connect him to the weapon, such as ammunition; (4) the defendant's ownership or operation of the vehicle; and (5) the length of time during which the defendant drove or occupied the vehicle. *People v Emery*, 150 Mich App at 667.

The fact that a pistol is lawfully contained does not necessarily exempt a person from possible prosecution under section 227(2). See, for example, *People v Wilson*, 2001 Mich App LEXIS 1144 (unpublished), in which the Court of Appeals held that the defendant was subject to prosecution under section 227(2), notwithstanding that the pistol was locked in the trunk of a vehicle.

It is my opinion, therefore, in answer to your second question, that a person who is not licensed to carry a concealed pistol may lawfully occupy a vehicle in which a pistol has been left that is lawfully

contained and that belongs to another person who has exited the vehicle, only if the occupant is not carrying the weapon, a determination that depends on the facts of each case.

MIKE COX
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2003 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2003 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		160	Yes	3-Apr	3-Apr	4/3/2003	Legislature ; auditor general; duties; clarify. (Sen. B. Patterson)
2	4198		Yes	21-Apr	22-Apr	4/22/2003	Recreation ; outdoor activities; assumption of risk when operating a snowmobile; revise. (Rep. C. LaSata)
3	4079		Yes	21-Apr	22-Apr	4/22/2003	Health facilities ; nursing homes; standardized information pamphlet and complaint form; require department of consumer and industry services to develop and distribute. (Rep. G. Woronchak)
4	4139		Yes	22-Apr	22-Apr	4/22/2003	Natural resources ; fishing; types of documentation acceptable for member of armed forces to establish eligibility for discounted hunting or fishing license; expand. (Rep. J. Rivet)
5	4010		Yes	24-Apr	24-Apr	4/24/2003	Economic development ; plant rehabilitation; tax abatements for plants that manufacture biodiesel fuel; provide for. (Rep. G. DeRossett)
6		105	Yes	9-May	9-May	5/9/2003	Natural resources ; forests; procedure for earmarking royalties from timber and mineral revenues; clarify. (Sen. A. Sanborn)
7	4078		Yes	20-May	20-May	5/20/2003	Courts ; district court; places where district court is required to sit; revise for districts of the first class. (Rep. S. Hummel)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
8	4332		Yes	20-May	20-May	5/20/2003	Retirement ; fire and police; death benefits for spouse of slain law enforcement officer; prohibit suspension of benefits for spouse who remarries. (Rep. S. Shackleton)
9	4086		Yes	20-May	20-May	9/1/2003	Traffic control ; violations; penalties for driving with expired registration plate tabs; revise. (Rep. M. Middaugh)
10	4115		Yes	29-May	29-May	5/29/2003	Highways ; name; renaming a certain portion of M-28; designate as "Veterans Memorial Highway." (Rep. S. Adamini)
11	4432		Yes	29-May	29-May	5/29/2003	Insurance ; property and casualty; fire and other peril losses due to terrorist events; exempt in commercial insurance policies. (Rep. L. Julian)
12		180	Yes	29-May	29-May	5/29/2003	State agencies (existing); generally; state agencies using 900 telephone numbers for the general public to access public information; prohibit. (Sen. T. Stamas)
13		397	Yes	29-May	29-May	5/29/2003	Elections ; primary; presidential primary in 2004; eliminate. (Sen. J. Allen)
14	4257		Yes	4-Jun	5-Jun	6/5/2003	Natural resources ; Great Lakes; beach maintenance activities and removal of vegetation on Great Lakes riparian lands; allow under certain circumstances. (Rep. B. Palmer)
15		118	Yes	10-Jun	10-Jun	9/1/2003	Crimes ; other; penalties for impersonating a police officer; increase. (Sen. A. Sanborn)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
16		117	Yes	10-Jun	10-Jun	9/1/2003 #	Criminal procedure ; sentencing guidelines; sentencing guidelines for impersonating a police officer to commit or attempt to commit a felony; enact. (Sen. A. Cropsey)
17	4285		Yes	10-Jun	10-Jun	6/10/2003	Retirement ; public school employees; direct withholding from pension for long-term care benefits; allow. (Rep. S. Ehardt)
18	4038		Yes	10-Jun	10-Jun	6/10/2003	Education ; teachers; certification in cardiopulmonary resuscitation; require for new teacher certification. (Rep. S. Rocca)
19		150	Yes	17-Jun	18-Jun	6/18/2003	Natural resources ; Great Lakes; waterways and harbor improvement projects; allow grants to colleges and universities. (Sen. J. Allen)
20	4197		Yes	19-Jun	20-Jun	6/20/2003	Economic development ; local development financing; definition of "urban township"; revise. (Rep. C. Ward)
21	4556		Yes	24-Jun	24-Jun	6/24/2003	Income tax ; income; winnings from a casino or racetrack; include as taxable income. (Rep. S. Bieda)
22	4561		Yes	24-Jun	24-Jun	10/1/2003	Income tax ; deductions; withholding taxes on flow-through entity; establish. (Rep. W. O'Neil)
23	4567		Yes	24-Jun	24-Jun	6/24/2003	Taxation ; other; tax liability on businesses selling or quitting business; establish liabilities of members, managers, and partners. (Rep. P. Condino)
24	4569		Yes	24-Jun	24-Jun	6/24/2003	Use tax ; collections; liability of officers at dissolution; revise. (Rep. B. Farrah)
25	4568		Yes	24-Jun	24-Jun	6/24/2003	Sales tax ; collections; liability at dissolution; revise. (Rep. P. Zelenko)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
26	4310		Yes	26-Jun	26-Jun	6/26/2003	Trade ; other; grain dealers act; prohibit disclosure of identity of individuals reporting violations under freedom of information act. (Rep. T. Meyer)
27	4219		No	26-Jun	26-Jun	**	Use tax ; exemptions; tangible personal property brought into this state 90 days after purchase; provide exemption. (Rep. G. Woronchak)
28	4008		Yes	26-Jun	26-Jun	6/26/2003 #	Income tax ; property tax credit; special assessments for fire and advanced life support; include in definition of property taxes. (Rep. B. Palmer)
29		23	Yes	26-Jun	26-Jun	6/26/2003 #	Income tax ; property tax credit; special assessments for police, fire, and advanced life support; include in definition of property taxes for credit calculation. (Sen. A. Sanborn)
30	4330		Yes	27-Jun	30-Jun	6/30/2003	Vehicles ; license plates; specialty plate for "ex-POWs"; allow 1 person in a household to obtain. (Rep. G. Woronchak)
31	4818		Yes	1-Jul	1-Jul	7/1/2003	Law enforcement; fingerprinting; clarification of law enforcement responsibilities for fingerprinting applicants; establish. (Rep. S. Hummel)
32		22	Yes	2-Jul	2-Jul	7/2/2003 #	Human services ; medical services; federal work incentives improvement act; enact conforming state provision to allow continued insurance coverage for the working disabled. (Sen. S. Johnson)

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** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
33	4270		Yes	2-Jul	2-Jul	7/2/2003 #	Human services ; medical services; medical services program eligibility; revise to allow continued insurance coverage for the working disabled. (Rep. S. Ehardt)
34	4333		Yes	2-Jul	3-Jul	10/1/2003	Traffic control ; parking; penalty for illegally parking in a designated space for handicapped use; increase. (Rep. F. Accavitti Jr.)
35	4356		Yes	2-Jul	3-Jul	7/3/2003	Occupations ; dental assistants; scope of practice for dental assistants; expand and clarify. (Rep. B. Vander Veen)
36	4083		Yes	2-Jul	3-Jul	7/3/2003	Natural resources ; other; development rights agreement or easements on farmland; subordinate state's interest under certain circumstances. (Rep. D. Sheltrown)
37		246	Yes	2-Jul	3-Jul	7/3/2003	Trade ; vehicles; definition of dealer in Michigan vehicle code; exclude vehicle lessors selling off lease vehicles. (Sen. J. Gilbert)
38		362	Yes	7-Jul	8-Jul	7/8/2003	Taxation ; other; tax expenditure report; rename. (Sen. N. Cassis)
39	4032		Yes	7/7	8-Jul	7/8/2003 +	Appropriations ; zero budget; supplemental appropriations; provide for fiscal year 2002-2003. (Rep. M. Shulman)
40		461	Yes	9-Jul	9-Jul	7/9/2003	Courts ; probate court; probate court districts; revise, and allow additional minimum annual salary. (Sen. A. Cropsey)
41	4281		Yes	14-Jul	14-Jul	*** #	Insurance ; health care corporations; nongroup prescription drug coverage; provide for offering of. (Rep. D. Farhat)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4519		Yes	11-Jul	14-Jul	9/1/2003	Communications ; computers; regulation of the transmission of electronic mail advertisements; provide for. (Rep. B. Huizenga)
43	4408		Yes	11-Jul	14-Jul	7/14/2003	Law enforcement ; local police; definition of peace officer for enforcement of snowmobile violations; provide for. (Rep. K. Bradstreet)
44		425	Yes	11-Jul	14-Jul	7/14/2003	Mobile homes ; title; enforcement of a security interest or lien on a mobile home affixed to real property through real property foreclosure; provide for. (Sen. M. Bishop)
45	4565		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; flow-through entity, member of a flow-through entity, and nonresidential member; define. (Rep. B. Farrah)
46	4564		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; requesting a certificate of dissolution or certificate of withdrawal from state; require all business entities to request. (Rep. J. Minore)
47	4563		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; forms; statement of compensation paid and taxes withheld and certain other forms; require flow-through entities, casino licenses, and race meeting and race track licenses to provide. (Rep. B. Farrah)
48	4562		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; collections; administration, collection, and enforcement provisions; include flow-through entities, casino licensees, and race meeting and race track licensees. (Rep. P. Zelenko)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
49	4560		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; composite tax return; allow on certain circumstances. (Rep. P. Zelenko)
50	4559		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; definition of taxpayer; revise to include certain flow-through entities. (Rep. P. Condino)
51	4558		Yes	11-Jul	14-Jul	10/1/2003 #	Income tax ; other; definition of tax; revise to include nonresident member of a flow-through entity. (Rep. P. Condino)
52	4557		Yes	11-Jul	14-Jul	7/14/2003	Income tax ; income; definition of business income; revise. (Rep. B. Farrah)
53	4326		Yes	11-Jul	14-Jul	7/14/2003	Administrative procedure ; rules; methods for public subscription; change and expand. (Rep. C. Ward)
54		530	Yes	11-Jul	14-Jul	7/14/2003	Highways ; name; renaming a certain portion of M-53; designate as "POW/MIA Memorial Freeway". (Sen. A. Sanborn)
55	4081		Yes	11-Jul	14-Jul	7/14/2003	Housing ; abandoned; dangerous building provisions of housing code; revise definition of dangerous building and include certain costs in demolition. (Rep. G. Woronchak)
56	4145		Yes	11-Jul	14-Jul	7/14/2003	Juveniles ; criminal procedure; interstate compact for juveniles; establish. (Rep. C. LaSata)
57	4077		Yes	11-Jul	14-Jul	7/14/2003	Occupations ; other; requirement for electrologists to have 1 year of experience to supervise electrology establishment; eliminate. (Rep. S. Hummel)
58	4280		Yes	11-Jul	14-Jul	*** #	Insurance ; health care corporations; long-term care coverage; permit underwriting and age rating. (Rep. D. Robertson)

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** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
59		234	Yes	15-Jul	15-Jul	7/23/2003 #	Insurance ; health care corporations; revisions to certain rates, underwriting provisions, reserves, benefits, and investments; provide for, and provide for general amendments. (Sen. B. Hammerstrom)
60		238	Yes	15-Jul	15-Jul	7/15/2003	Insurance ; health care corporations; contracts with out-of-state health care facilities; provide for. (Sen. G. Jacobs)
61	4247		Yes	15-Jul	15-Jul	9/30/2003	Crimes ; drunk driving; penalties and sanctions for operating a vehicle while intoxicated; establish at 0.08 grams and provide penalties and sanctions for operating a vehicle with any bodily content of schedule 1 controlled substances or cocaine. (Rep. W. Van Regenmorter)
Veto	4456					7/11/2003	Counties ; boards and commissions; membership of the county parks and recreation commission; revise. (Rep. S. Rocca)
Veto	4511					7/11/2003	Administrative procedure ; joint committee; procedure for objecting to rules; modify. (Rep. J. Pappageorge)
Veto		195				3/21/2003	Local government ; public services; certain city managed water and sewer systems; provide for oversight authority. (Sen. L. Toy)

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*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		293				7/11/2003	Law enforcement ; other; public safety commissions; allow use of state radio towers by local units of government. (Sen. M. Bishop)
Veto		364				6/30/2003	School aid ; penalties; requirement of 180 days of pupil instruction and penalty for holding less than that number; eliminate and replace with minimum hours of instruction, and require certain procedures to change to 4-day school week. (Sen. V. Garcia)

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*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

MICHIGAN ADMINISTRATIVE CODE TABLE
(2003 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2003 RULE FILINGS)**

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
29.2801	*	1	125.1214c	*	14	125.1601	*	14
29.2802	*	1	125.1214d	*	14	125.1602	*	14
29.2802a	A	1	125.1214e	*	14	125.1602a	*	14
29.2803	*	1	125.1214f	*	14	125.1603	*	14
29.2804	*	1	125.1214g	*	14	125.1604a	*	14
29.2805	*	1	125.1214h	*	14	125.1604b	R	14
29.2806	*	1	125.1214i	*	14	125.1605	*	14
29.2807	*	1	125.1214j	R	14	125.1606	R	14
29.2807a	A	1	125.1214k	*	14	125.1607	*	14
29.2808	*	1	125.1214l	*	14	125.1608	R	14
29.2809	*	1	125.1214m	R	14	125.1701	*	14
29.2810	*	1	125.1214n	*	14	125.1702	*	14
29.2811	*	1	125.1302	*	14	125.1702a	*	14
29.2811a	A	1	125.1310	R	14	125.1704	*	14
29.2812	*	1	125.1320	R	14	125.1705	*	14
29.2813	*	1	125.1401	*	14	125.1708	*	14
29.2814	*	1	125.1402	*	14	125.1901	*	14
125.1101	*	14	125.1403	*	14	125.1902a	*	14
125.1106	A	14	125.1404	*	14	125.1904a	*	14
125.1120	*	14	125.1405	*	14	125.1905	*	14
125.1125	*	14	125.1407	*	14	125.1908	*	14
125.1130	*	14	125.1408	*	14	125.1912	*	14
125.1185	*	14	125.1409	*	14	125.1913	R	14
125.1192	*	14	125.1410	*	14	125.1918	*	14
125.1192a	A	14	125.1411	*	14	125.1920	*	14
125.1201	R	14	125.1413	*	14	125.1922	*	14
125.1202a	R	14	125.1415	*	14	125.1925	*	14
125.1202b	*	14	125.1416	R	14	125.1926	*	14
125.1202c	A	14	125.1417	*	14	125.1928	*	14
125.1203	R	14	125.1419	*	14	125.1929	*	14
125.1204	*	14	125.1501a	A	14	125.1934	*	14
125.1209	*	14	125.1503	*	14	125.1935	*	14
125.1210	R	14	125.1503a	A	14	125.1936	*	14
125.1211	R	14	125.1504	*	14	125.1937	*	14
125.1211a	*	14	125.1505	*	14	125.1940	*	14
125.1212	*	14	125.1507	*	14	125.1940a	*	14
125.1213a	*	14	125.1508	*	14	125.1941	*	14

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R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
125.1944	*	14	285.551.28	R	5	285.564.4	*	9
125.1947	*	14	285.551.29	R	5	285.564.5	*	9
125.1947a	*	14	285.551.30	R	5	285.564.6	*	9
125.1948	*	14	285.551.41	R	5	285.564.7	*	9
125.1950	*	14	285.551.42	R	5	285.564.8	*	9
125.2001	*	14	285.551.43	R	5	285.564.9	R	9
125.2001a	A	14	285.551.44	R	5	285.564.10	*	9
125.2003	*	14	285.551.51	R	5	285.564.11	*	9
125.2005	*	14	285.551.52	R	5	285.564.13	*	9
125.2005a	*	14	285.551.53	R	5	299.2903	*	5
125.2006	*	14	285.551.54	R	5	299.2905	*	5
125.2006a	*	14	285.551.56	R	5	299.2911	*	5
125.2006b	*	14	285.551.58	R	5	299.2912	*	5
125.2007	*	14	285.551.61	R	5	299.2916	*	5
125.2009	*	14	285.551.62	R	5	299.2917	*	5
259.241	*	4	285.551.63	R	5	299.2918	*	5
259.243	*	4	285.551.64	R	5	299.2920	*	5
259.244	*	4	285.551.65	R	5	299.2922	*	5
285.551.1	R	5	285.551.66	R	5	299.2923	*	5
285.551.4	R	5	285.551.67	R	5	299.2924	*	5
285.551.6	R	5	285.551.68	R	5	299.2925	A	5
285.551.9	R	5	285.551.69	R	5	299.2925a	*	5
285.551.11	R	5	285.551.70	R	5	299.2926	*	5
285.551.13	R	5	285.551.71	R	5	299.2927	*	5
285.551.15	R	5	285.551.72	R	5	323.1171	*	1
285.551.16	R	5	285.551.73	R	5	323.1172	*	1
285.551.17	R	5	285.551.74	R	5	323.1173	*	1
285.551.18	R	5	285.551.75	R	5	323.1175	*	1
285.551.19	R	5	285.551.76	R	5	323.1180	*	1
285.551.20	R	5	285.551.77	R	5	323.1181	*	1
285.551.21	R	5	285.551.78	R	5	323.1174	R	1
285.551.22	R	5	285.551.79	R	5	323.2101	*	10
285.551.23	R	5	285.551.81	R	5	323.2102	*	10
285.551.24	R	5	285.551.83	R	5	323.2103	*	10
285.551.25	R	5	285.564.1	*	9	323.2104	*	10
285.551.26	R	5	285.564.2	*	9	323.2106	*	10
285.551.27	R	5	285.564.3	*	9	323.2108	*	10

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323.2109	*	10	323.2161	*	10	324.57	N	2
323.2111	R	10	323.2161a	A	10	324.58	N	2
323.2112	*	10	323.2189	*	10	324.59	N	2
323.2114	*	10	323.2190	*	10	324.59a	N	2
323.2115	*	10	323.2191	*	10	324.59b	N	2
323.2117	*	10	323.2192	*	10	324.59c	N	2
323.2118	*	10	323.2193	*	10	324.59d	N	2
323.2119	*	10	323.2195	*	10	324.59e	N	2
323.2121	*	10	323.3101	*	5	324.61	N	2
323.2122	*	10	323.3102	*	5	324.62	N	2
323.2124	*	10	323.3103	*	5	324.63	N	2
323.2125	*	10	323.3104	*	5	324.64	N	2
323.2126	R	10	323.3105	*	5	324.65	N	2
323.2127	*	10	323.3106	*	5	324.71	N	2
323.2128	*	10	323.3107	*	5	324.72	N	2
323.2130	*	10	323.3108	*	5	324.73	N	2
323.2131	*	10	323.3109	*	5	324.74	N	2
323.2133	*	10	323.3110	*	5	324.75	N	2
323.2134	*	10	324.1	N	2	324.81	N	2
323.2136	*	10	324.2	N	2	325.10102	*	2
323.2137	*	10	324.3	N	2	325.10103	*	2
323.2138	*	10	324.21	N	2	325.10104	*	2
323.2139	*	10	324.22	N	2	325.10105	*	2
323.2140	*	10	324.23	N	2	325.10106	*	2
323.2141	*	10	324.24	N	2	325.10108	*	2
323.2142	*	10	324.31	N	2	325.10109	*	2
323.2145	*	10	324.32	N	2	325.10308 b	*	2
323.2146	*	10	324.33	N	2	325.10401	*	2
323.2147	*	10	324.41	N	2	325.10401a	A	2
323.2149	*	10	324.42	N	2	325.10402	*	2
323.2150	*	10	324.43	N	2	325.10403	*	2
323.2151	*	10	324.51	N	2	325.10404	*	2
323.2153	*	10	324.52	N	2	325.10405	*	2
323.2154	*	10	324.53	N	2	325.10406	*	2
323.2155	*	10	324.54	N	2	325.10407	*	2
323.2159	*	10	324.55	N	2	325.10408	*	2
323.2160	*	10	324.56	N	2	325.10408a	A	2

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325.10408b	A	2	325.11502	*	2	325.13407	R	7
325.10409	*	2	325.11503	R	2	325.13408	R	7
325.10411	*	2	325.11505 a	*	2	325.13409	R	7
325.10412	*	2	325.11506	*	2	325.13410	R	7
325.10413	*	2	325.13101	*	7	325.13411	R	7
325.10414	*	2	325.13102	*	7	325.13412	R	7
325.10415	*	2	325.13104	*	7	325.13413	R	7
325.10416	*	2	325.13105	*	7	325.13414	R	7
325.10417	*	2	325.13106	*	7	325.13415	R	7
325.10418	*	2	325.13107	*	7	325.13416	R	7
325.10419	*	2	325.13108	*	7	325.13417	R	7
325.10420	*	2	325.13109	*	7	325.13418	R	7
325.10604a	*	2	325.13110	*	7	325.13501	A	7
325.10605	*	2	325.13111	*	7	325.13503	A	7
325.10610	A	2	325.13201	*	7	325.13505	A	7
325.10610a	A	2	325.13202	*	7	325.13507	A	7
325.10610b	A	2	325.13205	*	7	325.13509	A	7
325.10610c	A	2	325.13206	*	7	325.13511	A	7
325.10611	A	2	325.13207	*	7	325.13513	A	7
325.10611a	A	2	325.13208	*	7	325.13515	A	7
325.10611b	A	2	325.13209	R	7	325.13517	A	7
325.10702	*	2	325.13211	*	7	325.13519	A	7
325.10704	*	2	325.13212	*	7	325.13521	A	7
325.10706	*	2	325.13213	*	7	325.13523	A	7
325.10707b	*	2	325.13301	*	7	325.13525	A	7
325.10719	R	2	325.13302	*	7	325.13527	A	7
325.10719a	*	2	325.13303	*	7	325.13529	A	7
325.10719d	*	2	325.13304	*	7	325.13531	A	7
325.10719e	A	2	325.13305	*	7	325.13533	A	7
325.10719f	A	2	325.13306	*	7	325.13535	A	7
325.10720	*	2	325.13307	*	7	325.13537	A	7
325.10720a	A	2	325.13401	R	7	325.13539	A	7
325.10721	R	2	325.13402	R	7	325.13541	A	7
325.11002d	*	2	325.13403	R	7	325.13543	A	7
325.11004	R	2	325.13404	R	7	325.52501	A	6
325.11008	*	2	325.13405	R	7	325.52502	A	6
325.11009	R	2	325.13406	R	7	325.52503	A	6

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325.52504	A	6	338.252	*	1	408.6302	*	14
325.52505	A	6	338.253	*	1	408.6303	*	14
325.52506	A	6	338.254	*	1	408.6304	*	14
336.1101	*	12	338.255	*	1	408.9002	*	14
336.1103	*	12	339.23101	*	5	408.9012	*	14
336.1106	*	12	400.5106	*	14	408.9019	*	14
336.1114	*	12	408.43i	*	9	408.31070	*	5
336.1116	*	12	408.43s	A	9	408.31087	A	5
336.1118	*	12	408.801	*	1	408.31088	A	5
336.1119	*	12	408.802	*	1	408.31089	A	5
336.1122	*	5	408.803	*	1	408.31090	A	5
336.1201	*	12	408.806	*	1	408.41401	*	4
336.1201a	*	12	408.813	*	1	408.41405	A	4
336.1202	*	12	408.814	*	1	408.41410	A	4
336.1203	*	12	408.821	*	1	408.41454	R	4
336.1204	*	12	408.833	*	1	408.41455	*	4
336.1205	*	12	408.834	*	1	408.41456	*	4
336.1206	*	12	408.837	*	1	408.41461	*	4
336.1207	*	12	408.838	*	1	408.41462	*	4
336.1212	*	12	408.839a	*	1	408.41463	*	4
336.1214a	A	12	408.841	*	1	408.41464	*	4
336.1216	*	12	408.843	*	1	408.41465	*	4
336.1219	*	12	408.844	*	1	408.41466	*	4
336.1220	*	12	408.852	*	1	408.41467	*	4
336.1240	*	12	408.876	*	1	408.41471	*	4
336.1241	*	12	408.876	R	1	408.41472	*	4
336.1278	*	12	408.877	*	1	408.41474	*	4
336.1278a	A	12	408.881	*	1	408.41475	*	4
336.1279	R	12	408.882	*	1	408.41476	*	4
336.1281	*	12	408.885	*	1	408.41477	*	4
336.1282	*	12	408.886	*	1	408.41478	*	4
336.1284	*	12	408.887	*	1	408.41479	*	4
336.1285	*	12	408.891	*	1	408.41481	*	4
336.1287	*	12	408.898	A	1	408.41483	*	4
336.1289	*	12	408.6202	*	14	418.10104	*	4
336.1299	*	12	408.6203	*	14	418.10105	*	4
338.251	*	1	408.6208	*	14	418.10106	*	4

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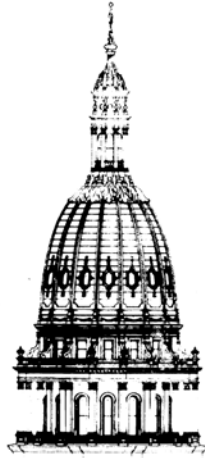
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418.10107	*	4	432.21324	*	6	432.21611	*	6
418.10108	*	4	432.21326	*	6	432.21612	*	6
418.10116	*	4	432.21327	*	6	432.21614	*	6
418.10117	*	4	432.21328	*	6	432.21616	*	6
418.10121	*	4	432.21329	*	6	432.21617	*	6
418.10202	*	4	432.21330	*	6	432.21618	*	6
418.10902	A	4	432.21331	*	6	432.21619	*	6
418.10904	*	4	432.21333	*	6	432.21620	*	6
418.10915	*	4	432.21334	*	6	432.21621	*	6
418.10916	*	4	432.21335	*	6	432.21622	*	6
418.10922	*	4	432.21336	*	6	432.21623	*	6
418.10923	*	4	432.21406	*	6	432.21624	*	6
418.10924	R	4	432.21407	*	6	432.21710	*	6
418.10925	*	4	432.21411	*	6	432.21713	*	6
418.101	*	4	432.21413	*	6	432.21714	*	6
418.1012	*	4	432.21414	*	6	432.21715	*	6
418.10121	*	4	432.21415	*	6	432.21716	*	6
418.1015	*	4	432.21419	*	6	432.21717	*	6
418.1015	A	4	432.21420	*	6	432.21720	*	6
418.1015	A	4	432.21501	*	6	432.21721	*	6
418.1015	A	4	432.21507	*	6	432.21801	*	6
432.21101	*	6	432.21510	*	6	432.21803	*	6
432.21109	*	6	432.21515	*	6	432.21804	*	6
432.21201	*	6	432.21516	*	6	432.21805	*	6
432.21202	*	6	432.21517	*	6	432.21806	*	6
432.21204	*	6	432.21518	*	6	432.21807	*	6
432.21208	*	6	432.21519	*	6	432.21808	*	6
432.21301	*	6	432.21521	*	6	432.21809	*	6
432.21310	*	6	432.21522	*	6	432.21810	*	6
432.21312	*	6	432.21601	*	6	432.21811	*	6
432.21313	*	6	432.21603	*	6	432.21812	*	6
432.21314	*	6	432.21604	*	6	432.21813	*	6
432.21317	*	6	432.21605	*	6	432.21901	*	6
432.21318	*	6	432.21606	*	6	432.21904	*	6
432.21319	*	6	432.21607	*	6	432.21905	*	6
432.21321	*	6	432.21608	*	6	432.21906	*	6
432.21322	*	6	432.21610	*	6	432.21907	*	6

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432.21908	*	6	460.20410	A	14	484.434	A	7
432.21909	*	6	460.20411	A	14	484.435	A	7
432.21910	*	6	460.20412	A	14	484.438	A	7
432.21911	*	6	460.20413	A	14	484.439	A	7
432.22001	*	6	460.20414	A	14	484.440	A	7
432.22003	*	6	460.20415	A	14	484.440a	A	7
432.22005	*	6	460.20416	A	14	484.440b	A	7
432.22007	*	6	460.20417	A	14	484.440c	A	7
432.22008	*	6	460.20418	A	14	484.441	A	7
436.1001	*	10	460.20419	A	14	484.442	A	7
436.1011	*	10	460.20420	A	14	484.443	A	7
436.1037	R	10	460.20421	A	14	484.444	A	7
436.1041	*	10	460.20422	A	14	484.445	A	7
436.1049	*	10	460.20423	A	14	484.446	A	7
436.1051	*	10	460.20424	A	14	484.451	A	7
436.1057	R	10	460.20425	A	14	484.452	A	7
436.1060	A	10	460.20426	A	14	484.453	A	7
436.1505	R	10	460.20427	A	14	484.454	A	7
436.1951	*	10	460.20428	A	14	484.455	A	7
436.1953	*	10	460.20429	A	14	484.456	A	7
436.1955	*	10	460.20430	A	14	484.457	A	7
436.1959	*	10	460.20431	A	14	484.458	A	7
436.1963	*	10	460.20502	*	14	484.459	A	7
436.2001	*	10	460.20601	*	14	484.460	A	7
436.2011	*	10	460.20602	*	14	484.461	A	7
436.2015	*	10	460.20603	*	14	484.471	A	7
436.2017	*	10	460.20604	*	14			
460.20201	*	14	460.20605	*	14			
460.20401	*	14	460.20606	*	14			
460.20402	*	14	484.401	A	7			
460.20403	*	14	484.402	A	7			
460.20404	*	14	484.421	A	7			
460.20405	*	14	484.422	A	7			
460.20406	A	14	484.423	A	7			
460.20407	A	14	484.424	A	7			
460.20408	A	14	484.425	A	7			
460.20409	A	14	484.431	A	7			

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